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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.22640 of 2019
and
W.M.P.No.3762 of 2020

Sajitha Banu

...Petitioner

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.

2. The Tashildar,
Cuddalore.

3. The Commissioner,
Cuddalore Municipality,
Cuddalore.

4.Swaminathan

5.Palani

6.Sathiyathan

7.Purushothaman (deceased)

8.Sakthivel

9.Kumar @ Vijayakumar

10.Ezailarasi

11.Veera

12.Guna

(R10 to R12 substituted as Lrs of the
Deceased R7 as per order dated
09.01.2020 made in WMP No.26418/2019
in W.P.No.22640 of 2019)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to implement the letter bearing Na.Ka.No.5572/2016/F1 dated 08.06.2017 in regard to T.S.No.1733, Block No.45, Word No.5, Nadunsalai Nagar, Layout, Cuddalore Municipality within a stipulated period that may be prescribed by this Court.



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For petitioner : Mr.V.Raghupathi
For respondents : Mr.L.S.M.Hasan Fizal
Govt. Counsel (for R1 & R2)
Mr.P.Srinivas
Standing Counsel (for R3)
Mr.G.Mohanakrishnan
(for R4 to R6 & R9)
R8- NA

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

Heard Mr.V.Raghupathi, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Government Counsel appearing for the respondents 1 and 2, Mr.P.Srinivas, learned Standing Counsel appearing for the third respondent and Mr.G.Mohanakrishnan, learned counsel appearing for the respondents 4 to 6 and 9.

2.The petitioner has come up with this writ petition seeking a direction to the respondents to implement the letter bearing Na.Ka.No.5572/2016/F1 dated 08.06.2017 to remove the encroachments.

3.The learned counsel for the petitioner would state that the petitioner is the resident of Cuddalore Municipality and she is the absolute owner of the property bearing Plot No.4 in the Highway-Subburayulu Nagar, Main Road, Cuddalore. According to the learned counsel, the private respondents have encroached upon 30 feet road which is called Subburayulu Nagar Main Road. In this regard, representations were submitted to the official respondents and they have also replied stating that the encroachments will be removed, but so far no action has been taken.

4.The learned Standing Counsel appearing for the third respondent would state that the Cuddalore Municipality has found encroachments as alleged by the petitioner. But they have to provide alternative accommodation to the encroachers and hence, there is a delay.

5.We have considered the submissions of the learned counsels and perused the materials available on record.

6.From the perusal of the records, it is seen that even on 27.03.2007, the third respondent intimated the petitioner that the encroachments on the 30 feet road would be removed and the same was reiterated in letter dated 08.06.2017, which is found enclosed in page No.24 of the typed set of papers. It is also



apposite to point out that notwithstanding the direction issued in W.P.No.13396 of 2016 dated 11.04.2016, the encroachments are not yet removed.

7. In the light of the facts stated supra, the third respondent is hereby directed to take appropriate action to remove the encroachments within a period of six months from the date of receipt of a copy of this order. The Deputy Superintendent of Police, Cuddalore is hereby directed to render necessary assistance at the time of removal of the encroachments.

8. With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected W.M.P.No.3762 of 2020 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skn

To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Tashildar,
Cuddalore.
3. The Commissioner,
Cuddalore Municipality,
Cuddalore.
4. The Deputy Superintendent of Police,
Cuddalore.

+1cc to Mr.V.Raghupathi, Advocate, S.R.No.57770
+1cc to Mr.G.Mohanakrishnan, Advocate, S.R.No.58084
+1cc to the Government Pleader, S.R.No.58163

W.P.No.22640 of 2019

PCH(CO)
CT 03/12/2021