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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.11.2021

CORAM

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

W.P.No.23928 of 2021

S.Sankar

...Petitioner

-vs-

- 1.The District Collector
Tiruvannamalai District
Tiruvannamalai.
- 2.The Assistant Director of Village Panchayats
Tiruvannamalai District
Tiruvannamalai.
- 3.The Revenue Divisional Officer
Arani Division, Arani
Tiruvannamalai District.
- 4.The Tahsildar
Kalasapakkam Taluk, Kalasapakkam
Tiruvannamalai District - 606 751.
- 5.The Block Development Office
Kalasapakkam Panchayat Union
Kalasapakkam, Tiruvannamalai District - 606 751.
- 6.S.Annadurai
- 7.K.Annamalai
- 8.Selvi
- 9.K.Devendhiran

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to forthwith consider the representation of the petitioner dated 19.01.2021 and take appropriate action to remove the encroachment made nearly 1/3rd



portion of the public road namely Kil Street, Karuneegar Street, Yadava Street, Kuyavar Street of Kalasapakkam Village by way of construction such as Septic tank, Shops, Shed, Cement Platforms, etc., by the respondents 6 to 9 herein.

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For Petitioner : Mr.A.Bharathi
For Respondents : Mr.L.S.M.Hasan Fizal
Government Counsel for RR1-4
Mr.S.J.Mohammed Sathik
Government Counsel for R5

ORDER

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

The petitioner has come up with this writ petition for issuance of writ of mandamus, directing the respondents 1 to 5 to consider the representation of the petitioner dated 19.01.2021 and take appropriate action to remove the encroachment in a public street.

2.The petitioner would claim that he is a permanent resident of Kalasapakkam Village & Post, Tiruvannamalai District, and his house situated at Mel Street of Kalasapakkam Village. It is alleged that the respondents 6 to 9 have put up construction by encroaching the public road.

3.The learned counsel for the petitioner would state that the petitioner submitted his representation dated 19.01.2021 to the respondents 1 to 5 to remove the encroachment, but no action has been taken so far. He would further add that it would suffice, if a direction is issued to the 5th respondent to take appropriate action on the representation of the petitioner.

4.The learned Government Counsel appearing for the 5th respondent would state that the 5th respondent is the competent authority and he will take action in accordance with law.

5.In the light of the submissions made by the learned counsel and also considering the limited prayer sought for in this writ petition, without expressing any opinion on the merits of the matter, this Court directs the 5th respondent to dispose of the petitioner's representation dated 19.01.2021, on merits and in accordance with law, after providing opportunity to all the necessary parties, within a period of six months from the date of receipt of a copy of this order.



6. With the above directions, this writ petition stands disposed of. No costs.

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//True Copy//

Sd/-
Assistant Registrar

Sub Assistant Registrar

Jer

To

1. The District Collector
Tiruvannamalai District
Tiruvannamalai.
2. The Assistant Director of Village Panchayats
Tiruvannamalai District
Tiruvannamalai.
3. The Revenue Divisional Officer
Arani Division, Arani
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4. The Tahsildar
Kalasapakkam Taluk, Kalasapakkam
Tiruvannamalai District - 606 751.
5. The Block Development Office
Kalasapakkam Panchayat Union
Kalasapakkam, Tiruvannamalai District - 606 751.

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RR(CO)
RVM(25/11/2021)