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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2021

CORAM:

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

W.P. NO.25610 OF 2021

A.Vahith Khan

.. Petitioner

Versus

1. The District Collector,
Cuddalore District,
At Cuddalore.
2. The Sub Collector,
Vriddhachalam,
Cuddalore District - 606 001.
3. The Tahsildar,
Vriddhachalam,
Cuddalore District - 606 001.
4. The Municipality Commissioner,
Vriddhachalam Municipality,
Vriddhachalam, Cuddalore District.
5. Ramadoss
6. Amsarani
7. Lakshmi
8. Annapoorani
9. Bakkiyavathi
- 10.Sulochana
- 11.Srinivasan

.. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 02.09.2021 and thereby direct the respondents to remove the encroachment made on the cement road situated in Ward - E, Block - 24, T.S.No.171, Old Survey No.106, Vriddhachalam Town, Cuddalore District by the respondents 5 to 11 and others and maintain the same as a road.



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For petitioner : Mr.B.Gopalakrishnan
For respondents : Mr.R.Siddharth
Government Advocate for R1 to R3
Mrs.A.Srijayanthi
Standing Counsel for R4

ORDER

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

We have heard Mr.B.Gopalakrishnan, learned counsel appearing for the petitioner; Mr.R.Siddharth, learned Government Advocate appearing for the respondents 1 to 3 and Mrs.A.Srijayanthi, learned Standing Counsel appearing for the fourth respondent.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 02.09.2021 and remove the encroachment made in Ward - E, Block No.24, T.S.No.171, Old Survey No.106, Vriddhachalam Town, Cuddalore District.

3. The petitioner is the absolute owner of the property in New Survey Nos.154 and 155 of Vriddhachalam Town. It is his case that a cement road was formed by the fourth respondent-Vriddhachalam Municipality, which is being used by the petitioner to reach his property. According to the petitioner, the respondents 5 to 11 have encroached upon the public road, which causes inconvenience not only to the petitioner, but also the other residents in that area. Hence, a representation dated 02.09.2021 was given, but no action was taken by the official respondents.

4. The learned counsel appearing for the petitioner Mr.B.Gopalakrishnan, submitted that it would suffice if a suitable direction is issued to the fourth respondent to consider the representation of the petitioner.

5. The learned Standing Counsel appearing for the fourth respondent would state that the representation of the petitioner is pending consideration and he is ready to take action in accordance with law.

6. In the light of the limited scope of the prayer sought for in the Writ Petition and considering the submissions made by the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter,



directs the fourth respondent to take appropriate action on the representation of the petitioner dated 02.09.2021, in accordance with law, after affording opportunity to all the necessary parties. Such exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The District Collector,
Cuddalore District,
At Cuddalore.
2. The Sub Collector,
Vriddhachalam,
Cuddalore District - 606 001.
3. The Tahsildar,
Vriddhachalam,
Cuddalore District - 606 001.
4. The Municipality Commissioner,
Vriddhachalam Municipality,
Vriddhachalam, Cuddalore District.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.64029
+1cc to Mrs.A.Srijayanthi, Advocate, S.R.No.64245
+1cc to the Government Pleader, S.R.No.64792

W.P. No.25610 of 2021

PM(CO)
PM/11/01/2022