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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.NO. 26124 OF 2021

K. Mannathan

.. Petitioner

Versus

1. The District Collector
Rajaji Salai, Chennai - 600 001
2. The Revenue Divisional Officer
Ambattur
Chennai
3. The Thasildar
Ambattur Taluk Officer
Ambattur, Chennai - 53
4. The Commissioner of Corporation
Greater Chennai Corporation
Ripon Building
Chennai - 03

5. P. Mohana

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st to 4th respondents to consider the petitioner representation letter dated 30.09.2021 and further directing the respondents to remove the road encroachment of 5th respondent in Road Pattai Government Poramboke land in old Survey No. 755/PT, Survey No. 11/2, Block No.15 in Korattur Village, Kallikuppam, Gangai Nagar, Ambattur Taluk, Chennai - 600 053.



For Petitioner

: Mr. S. Ramajayam

For Respondents

: Mr. M. Alagu Goutham
Government Advocate for R1 - R3

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Mr. P. Gopinath
Standing Counsel for R4

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

The petitioner has filed this writ petition for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to consider his representation dated 30.09.2021 and remove the road encroachment made by the 5th respondent in Road Pattai Government Poramboke land in old Survey No.755/PT, Survey No. 11/2, Block No.15 in Korattur Village, Kallikuppam, Gangai Nagar, Ambattur Taluk, Chennai - 600 053.

2. It is the case of the petitioner that he owns a house property in Survey No. 743/1 in Korattur Village, Gangai Nagar, Kallikuppam, Ambattur Taluk, Chennai - 600 053. Originally, on the northern side of his property, there was a water channel in Old Survey No. 755/PT, Town Survey No. 11/2, Block No. 15, Korattur village, and the rain water runs through this water channel to Korattur Lake. Thereafter, the Government classified the said land as Government Poramboke Pattai Land, which is the only access to the petitioner to reach his land, besides the other Villagers also utilised this land for their ingress and egress. While so, the fifth respondent encroached the said land classified as road pattai by unauthorised construction, due to which, the petitioner and other villagers were caused to much hardship. The petitioner therefore, sent a detailed representation to respondents 1 to 4, on 30.09.2021, requesting to take action for removal of the said encroachment made by the fifth respondent. As there was no action taken on the representation dated 30.09.2021, the petitioner has come up with this writ petition for the aforesaid relief.

3. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel for the fourth respondent and also perused the documents enclosed in the typed set of papers.

4. Considering the limited relief sought in this writ petition, this Court, without expressing any opinion on the merits of the case, directs the respondent authorities to consider the representation dated 30.09.2021 of the petitioner, conduct an enquiry, afford an opportunity of hearing to the



petitioner, fifth respondent and others concerned and thereafter, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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5. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The District Collector
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2. The Revenue Divisional Officer
Ambattur
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+1cc to Mr. S. Ramajayam, Advocate, S.R.No.64749
+1cc to Mr. R. Gopinath, Advocate, S.R.No.65693
+1cc to the Government Pleader, S.R.No.65332

W.P. No. 26124 of 2021

NR(CO)
PM/24/01/2022