

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.3886 of 2022

D.Pazhani ... Petitioner

-vs-

- 1.The District Collector,
Chengalpattu District,
Chengalpattu-603 001.
2. The Tahsildhar,
Maduranthakam Taluk,
Maduranthakam-603 306.
3. The Block Development Officer,
Maduranthakam,
Chengalpattu-603 306.
4. The President,
107, Athur Revenue Village,
Athur,Maduranthakam,
Chengalpattu-603 310.

5. V.Ellappan

6. V.Devan ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to inspect the East West Public Lane which access to the main road in Old Survey No.105, New Survey No.420/2 of Athur Revenue Village, Maduranthakam Taluk and to remove the obstructions constructed illegally by the 5th and 6th respondents herein, based on the representation dated 28.01.2022, within a time stipulated by this Court.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mr.K.V.Sajeev Kumar, Spl.G.P.
for R1 and R2
Mr.P.Gurunathan, AGP for R3
Mrs.C.Sangamithra, Spl.G.P. for R4

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to inspect the East West Public Lane which is an access to the main road in Old Survey No.105, New Survey No.420/2 of Athur Revenue Village, Maduranthakam Taluk and to remove the obstructions constructed illegally by the 5th and 6th respondents herein, based on the representation of the petitioner dated 28.01.2022, within a time stipulated by this Court.

2.Learned Counsel appearing for the petitioner would submit that the petitioner has been living in Plot Nos.54 and 55 situated in Old Survey No.105, New Survey No.420/2, belonging to No.107, Athur, Athur Revenue Village, Maduranthakam Taluk, Chengalpattu District by paying the property tax to the Local Authority regularly. But the East West lane that connects his dwelling house to the Main Road is illegally occupied, as a result, the ingress and egress have been completely obstructed. As such, the illegal constructions of the 5th respondent Mr.V.Ellappan and the 6th respondent Mr.V.Devan are causing continuous threat to the petitioner and his family members. Therefore, a representation dated 28.01.2022 was given seeking the respondents 2 to 4 to take action to remove the said encroachments. Prior to that when the petitioner asked the respondents 5 and 6 to remove the encroachments, it was not heeded by them. Hence, a complaint was also given before the Achirapakkam Police Station against the 6th respondent, who is a trouble-monger and received CSR.No.748/2021, but no action was taken against him. Therefore, the petitioner has come to this Court by filing the present Writ Petition and in support of his submissions, he has also filed photographs showing the encroachments made by the respondents 5 and 6.

3.Mr.K.V.Sajeevkumar, learned Special Government Pleader taking notice for the respondents 1 and 2 submitted that the petitioner need not have come to this Court for removing such an obstruction and the same would be redressed by the 3rd respondent

within a period of four weeks after giving notice to the parties concerned.

4.Mr.P.Gurunathan, learned Additional Government Pleader takes notice for the 3rd respondent and Mrs.C.Sangamithra, learned Special Government Pleader takes notice for the 4th respondent.

5.Recording the submissions of the learned Special Government Pleader appearing for the respondents 1 and 2, the 3rd respondent is hereby directed to consider the representation of the petitioner dated 28.01.2022 and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order by removing the encroachment, if it is found to be made by the respondents 5 and 6 as stated by the petitioner after giving due notice to the aggrieved persons.

6.With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Chengalpattu District,
Chengalpattu-603 001.
2. The Tahsildhar,
Maduranthakam Taluk,
Maduranthakam-603 306.
3. The Block Development Officer,
Maduranthakam,
Chengalpattu-603 306.

4. The President,
107, Athur Revenue Village,
Athur, Maduranthakam,
Chengalpattu-603 310.

+1cc to Mr.V.Ramana Reddy, Advocate SR.No.12648
+1cc to the Government Pleader SR.No.13015
+1cc to Government Pleader, SR.No.13064

W.P.No.3886/2022

RSV(CO)
GN(09/03/2022)

09.12.2021