

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

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

W.P.NO.6872 OF 2022

R.Ramesh

...Petitioner

vs

1.The District Collector,
Chengalpattu District,
Collectors Office,
Chengalpattu.

2.The Thasildhar,
Tambaram Taulk Office,
GST Road, Tambaram,
Chennai-600 045.

3.The Commissioner,
St.Thomas Mount,
Panchayat Union Office,
Chittalapakkam,
Chennai-600 064.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 3rd respondent to act on the representations of the petitioner dated 16.10.2021 and 13.01.2022.

For Petitioner : Ms.K.Soundarya
for Mr.S.Venkatesan

For Respondents : Mr.A.Selvendran,
Spl. Govt. Pleader for R1 and R2
Mr.G.Aneedius,
Government Advocate for R3

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 3rd respondent to act on the representations of the petitioner dated 16.10.2021 and 13.01.2022.

2. Learned Counsel appearing for the petitioner would submit that the petitioner is the owner of the vacant site situated at Manikandan Nagar, Plot No.5A, Nanmangalam Village, Tambaram Taluk, Kancheepuram District, in Survey No.179/1B, New Survey No.179/1B part, Patta No.231, New Patta No.2142 morefully described in the schedule in the petition, said to have been purchased from one Vagula Devi vide a Sale Deed dated 23.8.2006 registered as Document No.4553/2006 on the file of the Sub-Registrar, Pallavaram. After becoming the owner, he applied for the approval for constructing a residential building at his plot. The 3rd respondent herein, namely, the Commissioner, St.Thomas Mount Panchayat Union, Chittalapakkam, Chennai-64, granted permission for construction of the residential building at his Plot No.5A, Manikandan Nagar, Nanmangalam Village, Tambaram Taluk, Kancheepuram District in Survey No.179/1B, New Survey No.179/1B part, in Patta No.231, New Patta No.2142. When the petitioner went there to construct a residential building, he found that there was an existing encroachment wall across the public road blocking access to his property. Therefore, detailed representations dated 16.10.2021 and 13.01.2022 have been given to the 3rd respondent requesting to remove the wall across the public road along with supporting documents. But till date no action has been taken. Hence the present Writ Petition.

3. Learned Government Advocate appearing for the 3rd respondent also after perusing the map attached at page No.40 of the typed set of papers would submit that there appears to be some encroachment as pleaded by the learned Counsel for the petitioner, therefore, the representations given by the petitioner would be definitely acted upon as per law after giving notice to the encroachers within a period stipulated by this Court.

4. Recording the submission made by the learned Government Advocate appearing for the 3rd respondent herein, the 3rd respondent, namely, The Commissioner, St.Thomas Mount, Panchayat Union Office, Chittalapakkam, Chennai-600 064 is directed to consider and dispose of the representations of the petitioner dated 16.10.2021 and 13.01.2022 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Chengalpattu District,
Collectors Office,
Chengalpattu.

2.The Thasildhar,
Tambaram Taulk Office,
GST Road, Tambaram,
Chennai-600 045.

3.The Commissioner,
St.Thomas Mount,
Panchayat Union Office,
Chittalapakkam,
Chennai-600 064.

+1cc to Mr.S.Venkatesan, Advocate, Sr.No.20852

+1cc to the Government Pleader, Sr.No.20644, 21030

W.P.No.6872 of 2022

MT(CO)
RVM(08/04/2022)