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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.6908 of 2022

Senthilnathan

.. Petitioner

Vs.

1.The Secretary to the Government
Home Department
St. George Fort
Secretariat, Chennai.

2.The Secretary to the Government
Public Welfare Department
St. George Fort
Secretariat, Chennai.

3.The District Collector
O/o the District Collector
Kanchipuram
Kanchipuram District.

4.The Panchayat President
Kolumunivakkam Panchayat
Kanchipuram, Kanchipuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 3 and 4 to consider the petitioner's representation dated 06.05.2021 and to remove the drainage construction from the petitioner property.



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For Petitioner: Mr.S.Madhusudanan

For R1 to R3 : Mr.S.Arumugam
Government Advocate

For R4 : Mr.C.Selvaraj
Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to the respondents 3 and 4 to consider the petitioner's representation dated 06.05.2021 and to remove the drainage construction from the petitioner property.

2.By consent of the learned counsel appearing for the petitioner as well as Mr.S.Arumugam, the learned Government Advocate, who takes notice for the respondents 1 to 3 and Mr.C.Selvaraj, the learned Additional Government Pleader, who takes notice for the 4th respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he is owner of plot No.46, Mahalakshmi Nagar, No.61, Kollumunivakkam Village, Sriperumbudur Taluk, now Kundrathur Taluk, Kanchipuram District. While so, during pandemic situation, the 4th respondent, instead of constructing drainage in the Government land, has constructed the same in the patta land of the petitioner. On coming to know the same, the petitioner met the 4th respondent and requested him to remove the drainage put up in his land. The petitioner also gave representation dated 06.05.2021 to the respondents. Since no order was passed on the said representation, the petitioner has come out with the present Writ Petition.

4.When a claim is made contending that drainage is constructed in the patta land belonging to the petitioner and representation is given to the District Collector, the 3rd respondent herein, on 06.05.2021, the 3rd respondent is bound to consider the same and pass orders. In view of the same, the 3rd respondent is directed to instruct the Taluk Surveyor to survey the land and if drainage is constructed in the patta land belonging to the petitioner, the 3rd respondent is directed to consider the representation of the petitioner dated 06.05.2021 based on the report of the Taluk Surveyor and pass orders on merits and in accordance with law. The petitioner is directed to produce all the documents of title to the 3rd respondent to substantiate his claim that drainage is constructed in his patta



land, within a period of two (2) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary to the Government
Home Department
St. George Fort
Secretariat, Chennai.

2. The Secretary to the Government
Public Welfare Department
St. George Fort
Secretariat, Chennai.
W.P.No.6908 of 2022

3. The District Collector
O/o the District Collector
Kanchipuram
Kanchipuram District.

4. The Panchayat President
Kolumunivakkam Panchayat
Kanchipuram, Kanchipuram District.

+1cc to Mr.S.Madhusudanan, Advocate SR.No.20223
+1cc to the Government Pleader, SR.No.20325

WP.No.6908 of 2022

PL (CO)
CB(13/04/2022)