



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.11915 of 2022

N.Nagarajan

...Petitioner

Vs

1. The District Collector
Ranipet District, Ranipet.
2. The Tahsildar
Arakkonam Taluk, Arakkonam
Ranipet District.
3. M.Srinivasan
4. The President
Paruthiputhur Panchayat Union
Paruthiputhur, Arakkonam Taluk
Ranipet District.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to take swift action to restore the public street free from any encroachment and to remove the trench dug by the 3rd respondent to store the entire drainage water by misusing his position as the Vice President, by considering the petitioner representation dated 25.11.2021.

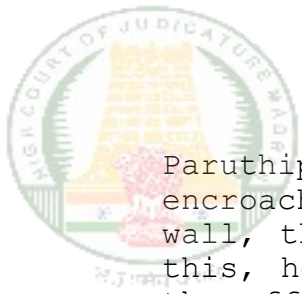
For Petitioner : Mr.P.Krishnan

For Respondents : Mr.J.Ravindran
1 and 2 Additional Advocate General
for Mr.A.Selvendran,
Government Pleader

O R D E R

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

According to the petitioner, he is a resident of Door No.467, Mettu Street, Paruthiputhur Village, Arakkonam Taluk, Ranipet District. The third respondent is the Vice President of



Paruthiputhur Panchayat Union and in view of his position, he encroached the public street and built a house with compound wall, thereby preventing access to the nearby residents. Besides this, he altered the flow of drainage by giving instructions to the officials of the local body to dug a pit / trench in front of the petitioner's house for storing the drainage water. Due to the said obstruction, the petitioner is unable to have free ingress and egress to his house. Though he made attempts by giving representations to the respondent authorities to remove such encroachment made by the third respondent, the same ended in vain. Therefore, this writ petition came to be filed to issue a writ of mandamus, directing the respondents 1 and 2 to take immediate action to restore the public street free from any encroachment and to remove the trench dug by the third respondent to store the entire drainage water, by considering the petitioner's representation dated 25.11.2021.

2. Heard learned counsels and perused the documents enclosed in the typed set of papers.

3. The law is well settled that 'no obstruction in or over public street is permissible'. Therefore, considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the matter, directs the second respondent to act upon the complaint made by the petitioner dated 25.11.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, respondents 3 and 4 as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar/
Vacation Officer

//True Copy//

Sub Assistant Registrar

KST/RPP

To

1. The District Collector
Ranipet District, Ranipet.



2. The Tahsildar
Arakkonam Taluk, Arakkonam
Ranipet District.

3. The President
Paruthiputhur Panchayat Union
Paruthiputhur, Arakkonam Taluk
Ranipet District.

+1cc to Mr.P.Krishnan, Advocate, S.R.No.31085

+1cc to the Government Pleader, S.R.No.31193

W.P.No.11915 of 2022

JPL(CO)
RGA(25/05/2022)