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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7387 of 2022

P.Dillibabu

... Petitioner

vs

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu.

3.The Tahsildar,
Tiruporur Taluk,
Tiruporur.

4.P.Rajendran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents 1 to 3 herein to remove the encroachment by the fourth respondent of the public street in the junction of 3 streets, obstructing ingress and egress to the lands of the petitioner comprised in Survey No.1458/1ZA, 1ZD, 1ZE measuring 0.11.50 ares 0.28 cents in Patta No.661 in No.56, Thiyyur Village, Tiruporur Taluk, Chengalpattu District based on the representation of the petitioner dated 05.02.2022.

For Petitioner : Mr.G.Vasudevan
Mr.K.Kanniappan

For Respondents : Mr.A.Selvendran,
Special Government Pleader
for R1 to 3



ORDER

[Order of this Court was delivered by T.RAJA, J.]

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P.Dillibabu, S/o.Perumal (late), resident of No.22, Opposite side of Thaiyur Lake, Thiruporur Taluk, Chengalpattu District, the petitioner herein has come to this Court with this petition for issuance of a writ of Mandamus under Article 226 of the Constitution of India seeking a direction to respondents 1 to 3 to remove the encroachment made by the fourth respondent in the junction of 3 streets, obstructing ingress and egress to his lands, comprised in Survey No.1458/1ZA, 1ZD, 1ZE, measuring to an extent of 0.11.50 ares or 0.28 cents in Patta No.661 situated at No.56, Thiur Village, Tiruporur Taluk, Chengalpattu District, based on his representation dated 05.02.2022.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the lands, comprised in Survey No.1458/1ZA, 1ZD, 1ZE, measuring to an extent of 0.11.50 ares or 0.28 cents in Patta No.661, situated at No.56, Thiur Village, Tiruporur Taluk, Chengalpattu District and now the said patta stands in the name of his father J.Perumal. When the petitioner intends to develop the said property and to put up construction over the same, he was unable to have the access to reach his land because the fourth respondent has raised pillars and made a thatched shed on the road itself in the junction of three streets, thereby preventing public from using the road for access to the other three sides of the road. In this regard, when the petitioner has approached the fourth respondent to remove the encroachment, he has not responded. Therefore, the petitioner made a representation dated 05.02.2022 to respondents 1 to 3 by registered post. As the same has not been considered, the petitioner is before this Court.

3.Learned Special Government Pleader appearing for respondents 1 to 3 sought eight weeks time to consider the above grievance made by the petitioner, after issuing notice to the petitioner and also the necessary parties.

4.A perusal of the photographs, enclosed in the typed set of papers, would show that there has been an encroachment. Therefore, we hereby direct the Tahsildar, Tiruporur Taluk, Tiruporur, the third respondent herein to remove the encroachment and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after completing legal formalities and issuing notice to the petitioner, the fourth respondent and other necessary parties.



5. With the above direction, this writ petition stands disposed of. No costs.

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Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu.
3. The Tahsildar,
Tiruporur Taluk,
Tiruporur.

+1cc to M/s.G.Vasudevan, Advocate, S.R.No.21460
+1cc to the Government Pleader, S.R.No.21731

W.P.No.7387 of 2022

SKM(CO)
SB(12/04/2022)