



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.16433 of 2022

Chandrasekar

.. Petitioner

Vs

- 1.The District Collector,
District Collectorate,
Kallakurichi District.
- 2.The Revenue Divisional Officer,
Kallakurichi & Taluk,
Kallakurichi District.
- 3.The Tahsildar,
Chinnasalem Taluk,
Kallakurichi District.
- 4.The Block Development Officer,
Block Development Office,
Chinnasalem,
Kallakurichi District.
- 5.Kolanji
- 6.Sakaya Meri

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing respondents 1 to 4 to consider the petitioner's representation dated 4.4.2022 by removing the encroachments made upon in the Road (20 feet Pathai) situated Survey No.130/6B, Karadichittur Village, Chinnasalem Taluk, Kallakurichi District.

For the Petitioner : Mr.V.Gunasekar



WEB COPY

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 to 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed seeking removal of encroachments made in the Road (20 feet Pathai) situated Survey No.130/6B, Karadichittur Village, Chinnasalem Taluk, Kallakurichi District. It is alleged that the private respondents encroached upon the said land and have put up a construction.

2. A perusal of the photographs at page 31 shows the existence of road and an old construction on the side. It is not known as to why the petitioner did not file a suit for injunction when the construction was started, if it was after encroaching the road. Moreover, the petitioner has not explained the delay in filing the writ petition.

3. That apart, the writ petitioner is residing in the same locality where the encroachment is said to have been made and, therefore, he was well aware of the construction being raised by the private respondents. However, the petitioner did not take any steps to initiate litigation then and there, but has filed this petition without explaining the delay.

In the light of the aforesaid, we dismiss the writ petition. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

Sasi

To:

1.The District Collector,
District Collectorate,
Kallakurichi District.



2.The Revenue Divisional Officer,
Kallakurichi & Taluk,
Kallakurichi District.

3.The Tahsildar,
Chinnasalem Taluk,
Kallakurichi District.

4.The Block Development Officer,
Block Development Office,
Chinnasalem,
Kallakurichi District.

+1cc to the Government Pleader SR.No.41928, 42016

W.P.No.16433 of 2022

SJ(CO)
CB(08/07/2022)