



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.21828 OF 2021
AND
W.M.P.NO.23012 OF 2021

P.Mohan Velayutham

...Petitioner

.Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Avadi Taluk,
Thiruvallur District.
3. The Block Development Officer,
Villivakkam Panchayat Union,
Chennai - 600 049.
4. The President,
Ayapakkam Panchayat,
Ayapakkam.
5. T.Sekar

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent herein to consider the petitioner's various representations dated 16.09.2021 and 22.09.2021 to demolish and remove the construction made by encroaching the Srinivasa Main Road near Sri Krishnan Temple turning in S.No.121/1 by the 5th respondent herein by conducting due enquiry by giving opportunity to all affected parties.



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For petitioner : Mr.S.T.Rajesh Murugan
For respondents : Mr.R.Siddharth
Govt. Advocate (for R1 and R2)

Mr.S.J.Mohammed Sathik
Govt. Advocate (for R3)

Mr.N.Manokaran (for R5)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

Heard Mr.S.T.Rajesh Murugan, learned counsel for the petitioner, Mr.R.Siddharth, learned Government Advocate appearing for the respondents 1 and 2, Mr.S.J.Mohammed Sathik, learned Government Advocate appearing for the third respondent, Mr.N.Manokaran, learned counsel appearing for the fifth respondent and perused the materials available on record.

2.The prayer sought for in this writ petition is to issue a Writ of Mandamus directing the first respondent herein to consider the petitioner's representations dated 16.09.2021 and 22.09.2021 to demolish and remove the construction made by the fifth respondent in S.No.121/1.

3.It is the case of the petitioner that the fifth respondent is constructing a building without any authority by encroaching the Srinivasa Main Road. If the building is constructed, the same will affect the public and devotees of Sri Krishna Temple. Hence, he made representations. Since no action was taken, the present writ petition

4.The learned counsel appearing for the petitioner would submit that it would suffice, if a suitable direction is issued to the respondents 2 and 3 to take appropriate action on the representations of the petitioner.

5.The learned Government Advocate appearing for the third respondent Mr.S.J.Mohammed Sathik would state that S.No.121/1 has been sub-divided into various survey numbers and unless a survey is conducted, no further action could be taken by the third respondent.

6.The learned Government Advocate appearing for the respondents 1 and 2 Mr.R.Siddharth would state that the second respondent is ready to conduct joint survey and file a report within a stipulated time.



7. In the light of the facts and circumstances of the case and the submissions of the learned counsels, this Court without expressing any opinion on the merits of the matter, directs the second respondent to conduct joint survey in the presence of the petitioner and the fifth respondent and based on the report of the second respondent, the third respondent shall take appropriate action in accordance with law, after affording opportunity to all the necessary parties. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

8. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

skn

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Avadi Taluk,
Thiruvallur District.
3. The Block Development Officer,
Villivakkam Panchayat Union,
Chennai - 600 049.

+1cc to Mr.S.T.Rajesh Murugan, Advocate, S.R.No.1538
+1cc to Mr.N.Manokaran, Advocate, S.R.No.1194
+1cc to the Government Pleader, S.R.No.1602

W.P.No.21828 of 2021
and
W.M.P.No.23012 of 2021

EV(CO)
PM/27/01/2022