



WP.No.24647/2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.24647/2017 & WMP.No.26008/2017

M.Santha Kumar

.. Petitioner

Vs.

1.The Collector of Kancheepuram District,
Kancheepuram.

2.The Tahsildar
Sholinganallur Taluk
Sholinganallur,
Kancheepuram District .

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to forbear from interfering the petitioner's peaceful possession and enjoyment of the petitioner's business run in a bunk laid and installed at the pavement of tank bund of Hanuman Colony near Hanuman temple, EC Road, Injambakkam, Chennai 600 115.

For Petitioner	:	Mr.V.Sivalingam
For RR 1 & 2	:	Mr.Jeevagiridharan
		Additional Govt.Pleader



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ORDER

- (1) This writ petition is filed for issuance of a writ of mandamus to forbear the respondents from interfering the petitioner's peaceful possession and enjoyment of the petitioner's business run in a bunk laid and installed at the pavement of tank bund of Hanuman Colony near Hanuman temple, EC Road, Injambakkam, Chennai 600 115.
- (2) The petitioner states that he is a handicapped person having lost his entire right hand in a road accident about six years back. Since he could not secure any job, the petitioner appears to have put up a bunk shop for selling pooja articles near the Hanuman Temple in Injambakkam, Chennai. It is his case that the bunk shop put up by him does not cause any traffic congestion or any inconvenience to the public. He further states that his service will be useful to the general public.
- (3) The grievance of the petitioner is that the 2nd respondent came to his bunk shop and threatened him to remove the shop from the pavement of tank bund of Hanuman Temple in Hanuman Colony, Injambakkam. Stating that his bunk shop is not causing any



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inconvenience to anyone and the encroachment is unobjectionable, the petitioner has come forward with the above writ petition.

- (4) When the petitioner admits that he is in encroachment of a public land, he cannot be shown any indulgence merely because he is a handicapped person.
- (5) This Court, has time and again directed the revenue officials from every quarter of this State to remove the encroachment if it is in public property. The grounds raised by the petitioner to protect his encroachment cannot be sustained in view of the law settled by this Court and the specific provisions of the Statute. This Court has not granted any interim order.
- (6) The learned counsel for the petitioner states that the petitioner is still carrying on business by having his bunk shop in the said place. From the affidavit filed in support of this writ petition, this Court is unable to find whether the petitioner has encroached the poramboke land or part of tank. Either the petitioner has occupied the water body or public land, the encroachment has to be removed.



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(7) Therefore, the 2nd respondent is directed to ensure that the petitioner is evicted after following due process of law. Such eviction shall also be carried out within a period of three months from the date of receipt of a copy of this order.

(8) The writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2022

AP

Internet : Yes

To

1.The Collector of Kancheepuram District,
Kancheepuram.

2.The Tahsildar
Sholinganallur Taluk
Sholinganallur,
Kancheepuram District .



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S.S.SUNDAR, J.,

AP

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