



WEB COPY



W.P. No. 528 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 528 of 2020

A.M. Chinnadurai

..Petitioner

Vs.

1. The District Collector,
Vellore District, Collectorate,
Vellore.
2. The Tahsildar,
Katpadi,
Tahsildar's office,
Katpadi, Vellore District.
3. The Deputy Superintendent of Police,
Katpadi, Vellore District.
4. The Inspector of Police,
Virithampattu Police Station,
Katpadi Circle, Vellore.
5. M. Perumal



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6. M. Mari
7. Saravanan
8. Jeevanandham
9. Parthiban
10. Sivanadam
11. Ravi
12. Prabhakaran ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 4 to act on the representations of the petitioner dated 24.07.2019 and 11.11.2019 and to prevent encroachments/obstructions by respondents 5 to 12 obstructing access of the petitioner to his Door No. 3/1, Pillaiyar Koil Street, Aruppumedu Japrapettai Post, Vellore 632 006.

For Petitioner :: Mr.T.M. Hariharan

For Respondents :: Mr.A. Selvendran,
Special Govt. Pleader for R1 to R4

No appearance for R5 to R12

O R D E R

(Made by *S. Vaidyanathan,J.*)



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The petitioner has come forward with the present writ petition for issuance of a Writ of Mandamus directing respondents 1 to 4 to act on the representations of the petitioner dated 24.07.2019 and 11.11.2019 and to prevent encroachments/obstructions by respondents 5 to 12 obstructing access of the petitioner to his Door No. 3/1, Pillaiyar Koil Street, Aruppumedu Japrapettai Post, Vellore 632 006.

2. The petitioner, who is residing at Door No.3/1, Pillaiyar Koil Street, Aruppumedu Katpadi Taluk, is aggrieved by the conduct of respondents 5 to 12 in obstructing access to his house by parking their vehicles continuously in a haphazard manner on either side of the street and conducting celebrations during Pongal Festivals encroaching upon the street. Though the petitioner submitted representations dated 24.07.2019 to the 2nd respondent and a further representation dated 11.11.2019 to the 1st respondent in this regard, no action has been taken providing redressal to the petitioner. Hence, the present writ petition.



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3. Though respondents 5 to 12 have been served, there is no representation on their behalf. Since no prejudice is going to be caused to respondents 5 to 12 by the order intended to be passed in this writ petition, we proceed with the disposal of the writ petition.

4. Since the representation of the petitioner dated 11.11.2019 is pending, the authority concerned shall consider the same and take a decision after affording an opportunity of hearing to the petitioner as well as respondents 5 to 12, who are said to have encroached upon the road. The official respondents are expected to clear the encroachment, if any found. We reiterate that opportunity of hearing should be given to the parties and action shall be taken within a period of one month from the date of receipt of a copy of this order. Police protection shall be provided to the officials concerned for carrying out the removal of encroachment, if any found, as alleged by the petitioner. In case, the encroachment found is not removed within the time stipulated, then appropriate action shall be taken against the officials concerned in the light of the order dated 30.08.2023 passed by Madurai Bench of Madras High Court, in W.P.(MD) No. 16120 of 2023 (*N.*



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***Sankar V. The Principal Secretary, Town and Country Planning,
Government of Tamil Nadu and 3 others).*** No costs.

nv

13.12.2023

(S.V.N.J.) (K.R.S.J.)

S. VAIDYANATHAN.J

AND

K. RAJASEKAR.J.

nv

To

1. The District Collector,
Vellore District, Collectorate,
Vellore.
2. The Tahsildar,
Katpadi,
Tahsildar's office,
Katpadi, Vellore District.
3. The Deputy Superintendent of Police,
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