



WEB COPY



W.P. No. 8623 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.8623 of 2019

- | | | |
|----|--|---------------|
| 1. | P. Gunasekaran | ..Petitioner |
| | Vs. | |
| 1. | The District Collector,
Office of the District Collectorate,
Kanchipuram. | |
| 2. | The District Revenue Officer,
Vandavasi Salai,
Inside Collectorate Office,
Kanchipuram – 631 501. | |
| 3. | The Revenue Divisional Officer,
Kanchipuram Revenue Divisional
Office, Kanchipuram District. | |
| 4. | The Tahsildar,
Walajabad Taluk,
Kanchipuram District. | ..Respondents |

Prayer: Petition under Article 226 of the Constitution of India praying



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for issue of a Writ of Mandamus directing respondents 1 to 4 herein to remove the unlawful encroachments made by obstruction and attempting for unlawful construction in the public road laid in S.No. 102 of Sirupagal Village, Walajabad Taluk, Kanchipuram District, enabling the petitioner herein to have uninterrupted access to his properties in Survey Nos. 24, 20, 21, 105, 103 & 80 in the above mentioned village.

For Petitioner :: Mr.Kavin Bharathan for
 Mr.P. Dinesh Kumar
For Respondents :: Mr.A. Selvendran
 Special Government Pleader for
 R1 to R4

O R D E R

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

The petitioner has come forward with the present writ petition for issue of a Writ of Mandamus directing respondents 1 to 4 herein to remove the unlawful encroachments made by obstruction and attempting for unlawful construction in the public road laid in S.No. 102 of Sirupagal Village, Walajabad Taluk, Kanchipuram District, enabling the petitioner



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herein to have uninterrupted access to his properties in Survey Nos. 24, 20, 21, 105, 103 & 80 in the above mentioned village.

2. The grievance of the petitioner is that the public mud road laid by the Panchayat in Survey No.102 of Sirupagal Village, which provides access to his properties, is alleged to have been encroached by unknown persons, who are indulging in unlawful and illegal construction. The detailed representation given by the petitioner to the 4th respondent for removal of the encroachment did not bear any result. Hence, the present writ petition.

3. Mr.A. Selvendran, learned Special Government Pleader for the respondents would submit that the details of persons, who are said to have encroached upon the road have not been furnished.

4. Though the encroachers have not been made as parties to the writ petition, considering the grievance of the petitioner that access road has been encroached, it is for the authority concerned to conduct an enquiry



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based on the layout available, A Register and other relevant records and after affording an opportunity of hearing to all interested parties, remove the encroachment, if any found, as alleged by the petitioner. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The officials concerned shall be provided with police protection for removal of encroachment, if any. 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. Sankar V. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and 3 others*). The writ petition is disposed of accordingly. No costs.

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

nv

15.12.2023

To

1. The District Collector,
Office of the District Collectorate,
Kanchipuram.
2. The District Revenue Officer,
Vandavasi Salai,
Inside Collectorate Office,

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Kanchipuram – 631 501.

S. VAIDYANATHAN,J.

AND

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nv

3. The Revenue Divisional Officer,
Kanchipuram Revenue Divisional
Office, Kanchipuram District.
4. The Tahsildar,
Walajabad Taluk,
Kanchipuram District.

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