



W.P. No.6040 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.6040 of 2020

T. Venkatasami

Petitioner

v

1 The Commissioner
Nellikuppam Municipality
Nellikuppam 607 105
Panruti Taluk
Cuddalore District

2 M. Ramu

3 S. Vaidyanathan

Respondents

Writ Petition preferred under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to remove the houses unauthorisedly constructed by respondents 2 and 3 in Block No.16, New S.No.4/-, Old S.No.155/4 part, (poramboke) in Rajaji Street, Sozhavalli, Nellikuppam, Nellikuppam Municipal Limits, Panruti Taluk, Cuddalore District.

For petitioner Mr. D. Baskar

For R1 Mr. Vijay Anand
Addl. Govt. Pleader

For RR 2 & 3 No appearance

ORDER



W.P. No.6040 of 2020

(made by S. VAIDYANATHAN, J.)

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This is a petition seeking removal of encroachment and unauthorised construction made by the private respondents.

2 According to the petitioner, he is residing in Door No.5/8, Rajaji Street, Sozhavalli, Nellikuppam, Panruti Taluk, Cuddalore District; he has left a space of about six feet on the east of his house to serve as a lane to reach the backyard of his house; thus, the said lane is a private lane; there is a poramboke property on the eastern side of his private lane, where, the second and third respondents have constructed a house in the front and back portions respectively; their construction is not only an encroachment but it is also sans approval of the first respondent Municipality; hence, seeking to remove the encroachments made by the respondents 2 and 3, he has addressed a representation dated 10.02.2020 to the first respondent, but, to no avail; hence, this writ petition seeking removal of encroachment/unauthorised construction made by the private respondents.

3 Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent. The names of the private respondents have been printed in the cause list and none represents them.



W.P. No.6040 of 2020

4 Having regard to the facts and circumstances of the case, this

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Court directs the first respondent to conduct a detailed enquiry within a period of three months from the date of receipt of a copy of this order, by verifying all the revenue records like Village “A” register, field map, *etc.* and on enquiry, if it is found that the private respondents have made encroachment/unauthorised construction, to remove the same without fail. Needless to state that the petitioner and the private respondents shall be afforded an opportunity of hearing before any decision is taken in the matter.

This writ petition stands disposed of with the above direction and observation. Costs made easy.

(S.V.N., J.) (K.R.S., J.)
19.12.2023

cad



W.P. No.6040 of 2020

S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

cad

To

The Commissioner
Nellikuppam Municipality
Nellikuppam 607 105
Panruti Taluk
Cuddalore District

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19.12.2023