



WEB COPY



W.P. No. 12656 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

W.P. No. 12656 of 2023

P. Gopinath

..Petitioner

Vs.

1. District Collector,
District Collector Office,
GST Road,
Chengalpattu – 603 002.
2. Municipality Commissioner,
No. 302, Anna Salai,
JCK Nagar,
Chengalpattu – 603 002.
3. Thasildar,
VOC Nagar,
Chengalpattu – 603 002.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to remove the



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encroachment in the park “Teravidam” in Survey No. 684/1B and prime Road Pillayar Kovil Street (Anumantha Puththeri) and Road in Survey No. 61 in Varadarajan Nagar layout as per the DTCP approval plan bearing No. 1181/86 dated 22.05.1986.

For Petitioner :: Mr.S. Jerald Lenin

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R3

O R D E R

S. VAIDYANATHAN,J.

AND

R. KALAIMATHI,J.

The writ petition is filed for issue of a Writ of Mandamus directing the respondents to remove the encroachment in the park “Teravidam” in Survey No. 684/1B and prime Road Pillayar Kovil Street (Anumantha Puththeri) and Road in Survey No. 61 in Varadarajan Nagar layout as per the DTCP approval plan bearing No. 1181/86 dated 22.05.1986.

2. When the writ petition is taken up, learned State Government



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Pleader appearing for the respondents would submit that notice has been caused on 19.04.2023 to all the encroachers and the official respondents have already taken steps to remove the encroachment.

3. The said submission of the learned State Government Pleader is hereby recorded. It is made clear that if any encroachment is found in the place, as alleged by the petitioner, the same shall be removed after conducting a survey in the presence of all parties concerned. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The officials shall follow the dictums of this Court (***S.K.Kaul,C.J., and R.Mahadevan,J.***) in ***Contempt Petition No.1769 of 2015 and Contempt Petition No.2166 of 2015 (Suo motu)*** and in ***W.P. No. 28143 of 2021 dated 27.01.2022 (S.Vaidyanathan,J and D. Bharatha Chakravarthy,J.)*** in its letter and spirit. If the officials fail to remove the encroachment, disciplinary action shall be initiated and punishment for major misconduct shall be entered in the service records that will deprive them of further chances of promotion.



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nv

4. The writ petition is disposed of accordingly. No costs.

nv
To

(S.V.N.J.) (R.K.M.J.)
25.04.2023

1. District Collector,
District Collector Office,
GST Road,
Chengalpattu – 603 002.
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