



WEB COPY



W.P.No.9090 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.9090 of 2016
and W.M.P.No.19380 of 2016

1.D.Mallikarjuna Rao Daggubati

2.Kamalesh Daggubati

.. Petitioners

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur.

3.The Commissioner,
St.Thomas Mount Union,
Chitalapakkam.

4.The President,
Perumbakkam Panchayat,
Perumbakkam.

5.Ramadass

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...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the second respondent herein to initiate action under Tamil Nadu Land Encroachment Act, 1905, against the fifth respondent, who had put up thatched shed and permanent structure on the public road and secure such removal, by demolishing the thatched and permanent structure in S.No.409, Perumbakkam Village, abutting the petitioner's land and keep it free from all encroachments.

For Petitioners : Mr.R.Balakrishnan
For RR1 and 2 : Mr.A.Selvendiran
Special Government Pleader
For RR 3 and 4 : Mr.P.Kavitha

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

According to the petitioners, they are the absolute owners of the land in S.No.410/1 admeasuring 3.22 acres in Perumbakkam Village, Sholinganallur Taluk. For developing the said land, the petitioners applied for sub-division, which was also approved by the CMDA and as per the same, they have to provide OSR land on the northern side and a gift deed has to be executed in favour of the third respondent. While so, in the month of February, 2015, an encroachment was made by the fifth respondent on



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the Nukampallayam Road in S.No.409, which is situated on the northern side of the petitioners' land, thereby causing disturbance to the free access to their land. It is further stated by the petitioners that on the northern side of the petitioners' property, in S.No.409 of Mambakkam Village, there is a panchayat school, the construction of which is also on the public road. Therefore, the petitioners sent representations dated 20.02.2015 and 06.08.2015 to the third respondent seeking removal of the said encroachment. Finding no response on the same, they have come up with this writ petition seeking a direction to the second respondent herein to initiate action under the Tamil Nadu Land Encroachment Act, 1905 and remove the encroachment made by the fifth respondent.

2.Today, when the matter was taken up for consideration, the learned counsel for the petitioners submitted that it would suffice, if a direction is given to the second respondent to dispose of the petitioners' representations dated 20.02.2015 and 06.08.2015, within a time frame to be stipulated by this court, for which, the learned Additional Government Pleader appearing for the respondents 1 and 2, has no serious objection.



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3.In view of the limited relief sought herein, which has not been seriously opposed on the side of the respondent authorities, this court without going into the merits of the case, directs the second respondent to consider the petitioners' representations dated 20.02.2015 and 06.08.2015, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioners, the same shall be removed after following due process of law.

4.With the aforesaid direction, this writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
20.01.2023

nsd
Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No



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