



WEB COPY



WP No. 33500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33500 of 2023

R.ARUN PRASAD,
ADVOCATE S/O. RAMASWAMY,
NO 17, BHARATHIYAR STREET,
GOVARDHANAGIRI, AVADI,
CHENNAI - 600 071.

.. Petitioner

Vs.

1.THE DISTRICT COLLECTOR,
TIRUVALLUR.

2.THE COMMISSIONER,
CORPORATION OF AVADI,
NO.391, NEW MILITARY ROAD, TNHB,
AVADI CHENNAI 600 071.

3.THE TAHSILDAR,
AVADI TALUK, TIRUVALLUR DISTRICT.

4.KARTHICK KAMESH,
S/O. B. RAVI, NO.3/9, PILLAYAR KOIL STREET,
SRINIVASA NAGAR, GOVARDHANAGIRI,
AVADI, CHENNAI - 600 071.

5.R.RAVI
S/O.RAM CHOWDRY, GOKULAM STREET,
GOVARDHANAGIRI, AVADI,
CHENNAI - 600 071.



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6.S.VELAYUTHAM @ VELU,
S/O.SUKPIYAPPA NAICKER,
PILLAYAR KOIL STREET,
GOVARDHANAGIRI AVADI,
CHENNAI - 600 071.

7.RAMANUJAN
S/O.ELUMALAI NAICKER,
PILLAYAR KOIL STREET,
SRINIVASA NAGAR, GOVARDHANAGIRI,
AVADI, CHENNAI - 600 071.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 2 and 3 to take action against the respondents 4 to 7, who encroached the Government land classified as Poramboke land and using as public road and remove the encroachment in S.No.414 situated at Mathura Govardhanagiri, Paruthipattu Village, Avadi Taluk, Tiruvallur District, by considering the petitioner's representation dated 06.10.2023 within the time to be stipulated by this court.

For Petitioner : Mr.M.Ravi

For RR 1 to 3 : Mr.Muthukumar
Government Pleader

ORDER

(Order of the Court was made by R. Mahadevan, J.)

The petitioner has filed this writ petition for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to take action against the respondents 4 to 7, who encroached the Government land classified as



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Poramboke land and using as public road and remove the encroachment in S.No.414 situated at Mathura Govardhanagiri, Paruthipattu Village, Avadi Taluk, Tiruvallur District, by considering his representation dated 06.10.2023 within a time frame to be stipulated by this court.

2. According to the petitioner, the land in S.No.414 situated at No.25, Paruthipattu Vilage, Madhura Govardhanagiri, Avadi, approximately measuring around 60 feet, is a Government land classified as “Government Poramboke”, which is being used as a public road for more than 50 years and in the middle of the road, Sri Gangai Amman Temple is situated. The said road is an entrance for the residents of the Govardhanagiri people and others and this road is mainly used by the general public for travelling to their accommodation and all types of vehicles, i.e., ambulance for emergency services, drinking water tanker lorries, school vans, three-wheelers and four wheelers are all plying in the said road. While that being so, some unauthorized persons viz. respondents 4 to 7 declared themselves as trustees to the said temple and put up a bus stand using iron rods covered by their party banner with no concrete support paving way for destruction of the same during heavy wind. Aggrieved against the said encroachment made by the respondents 4 to 7 and transgression into public road, the petitioner made



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representation dated 06.10.2023 to the respondents 1 to 3, requesting to remove the said illegal encroachment, but, the same is kept pending without any consideration till date. Therefore, finding no other option, he has come up with the present writ petition for the aforesaid relief.

3.The learned counsel for the petitioner has submitted that pointing out to the encroachment made by the respondents 4 to 7 in the public road, the petitioner has made a representation to the official respondents 1 to 3 to take appropriate action for removal of the same. However, there is no progress in this regard. Stating so, the learned counsel prayed this Court to issue appropriate direction to the respondent-authorities by considering the petitioner's representation dated 06.10.2023.

4.On the other hand, the learned Government Pleader appearing for the respondents 1 to 3 fairly submitted that an inspection would be conducted by the official respondents and encroachment if any, as stated by the petitioner, is found out, the same would be removed by following due procedure as contemplated under law.



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5.Considering the nature of the issue involved herein and having regard to the submissions of the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent authorities to consider the representation of the petitioner dated 06.10.2023, conduct an inspection in the presence of the petitioner and the respondents 4 to 7 as well as any other interested parties, and examine the documentary evidence, if any, submitted by them, and thereafter, pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, respondents 4 to 7 as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

(R.M.D., J.) (M.S.Q., J.)
29.11.2023

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
nsd

To

1.THE DISTRICT COLLECTOR,
TIRUVALLUR.



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and
MOHAMMED SHAFFIQ, J

nsd

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