



WEB COPY

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W.P.No.10302/2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.10302 of 2020

P.Neelakandan

...

Petitioner

-VS-

1.The District Collector,
Kancheepuram District,
Collectorate Compound,
Vandavasi Road,
Kancheepuram HO,
Kancheepuram – 631 501.

2.The Tahsildar,
Sriperumbudur Taluk,
Tiruvallur Road, Sriperumbudur,
Tamil Nadu – 602 105.

3.Elumalai

4.Sathya

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents to take necessary steps to retrieve the "public road" comprised in Survey No.157/13, Vallarai Village, Sriperumbudur Taluk, Kancheepuram District, from encroachment.



For Petitioner : No appearance

For Respondents 1 & 2 : Mr.J.Ravindran,
Addl. Advocate General,
assisted by
Mr.A.Selvendran,
Special Government Pleader.

For Respondent 3 : Mr.P.Balamurugan

ORDER

(By *S.Vaidyanathan,J.*)

When the matter is taken up for hearing, none appeared for the petitioner.

2. The case of the petitioner is that the "public road", comprised in Survey No.157/13, Vallarai Village, Sriperumbudur Taluk, Kancheepuram District, has been encroached; rain water usually runs in that place; water, drawn through that way, enters into the pond, which is the only source of water for the cattle to drink and also for domestic purpose of the village; the said land has been encroached upon by respondents 3 and 4, namely Elumali and Sathya; and that several lives have been lost during the flood in the year 2005.

3. Considering the facts and circumstances of the case, we hold that in case the road in question is a public road and, more-so, water is going to be drawn into the pond through the said public road, the said road has to be restored and no indulgence can be shown towards the encroachers. We make it clear that the authority concerned shall conduct an inquiry, apart from spot inspection, and, after hearing the petitioner



and the private respondents, namely, 3 and 4, take a decision. In case of any encroachment being found, the same will have to be removed within fifteen days from the date of decision. We further make it clear that neither petitioner nor respondents 3 and 4 are entitled to approach this Court if any notice is issued to them by the authority, calling for inquiry, but, instead, they are entitled to question the decision only after final orders are passed by the authority. Enquiry shall go on on day-to-day basis without adjourning the matter beyond three working days at any point of time. The entire exercise shall be completed within three months from the date of receipt of this order.

4. Writ Petition is disposed of accordingly. No costs.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
04-01-2024

To

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