



W.P.No.8952 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8952 of 2024

Syed Fareed Hussain

...Petitioner

Vs

1. The District Collector,
Ranipet,
Ranipet District.

2. The Commissioner,
Melvisharam Municipality
Walaja Taluk, Ranipet District.

3. The Taslidhar
Walaja Taluk Office, Walaja Taluk
Ranipet District

4. K.A. Azeez Basha

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 27.11.2023 based on the communication by the 3rd respondent in N.Ka.No.1087/2023/C1 dated 01.12.2023 within a stipulated period and pass orders.

For Petitioner

: Mr.M. Sathish Kumar



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For Respondents

: Mr.P. Gurunathan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to consider the petitioner's representation dated 27.11.2023 and pass orders.

2. The learned Additional Government Pleader takes notice for the official respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner is the owner of the property situated in Survey No.213/2 at Melvishram, Walaja Taluk, Ranipet District and there was a 17 feet common way which was approved while giving the sanction for the lay out. While so, the 4th respondent who is residing near the petitioner in Plot No.17 Survey No.229/3 had constructed a residential house encroaching the said 17 feet common pathway and further, the drainage water have been let in the



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public street. Hence, the petitioner has given a representation to the first respondent on 16.10.2023 and 20.11.2023. Thereafter, the petitioner has given another representation on 27.11.2023 to the first respondent on the Grievance day, but the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted that based on the representation of the the petitioner, the 3rd respondent had inspected the area and found that the 4th respondent had let the drainage water into the public street and forwarded his communication to the second respondent to find out the encroachment and file a report to the third respondent. Despite the same, the second respondent has not taken any action till date. A copy of the said order was also communicated to the petitioner vide order dated 01.12.2023 in Na.Kaa.No.1087/2023/C1. Hence prays to allow this petition.

5. The learned Additional Government Pleader appearing for the respondent submits that they will consider the case of the petitioner and take action in the manner known to law.



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6. Considering the facts and circumstances of the case, this Court directs the second respondent to take action against the communication made by the third respondent. The second and third respondents are directed to consider the representation of the petitioner after providing an opportunity of hearing to the petitioner and other parties in accordance with law. The second respondent is further directed to inspect and file a report regarding the encroachment made by the 4th respondent before this Court in the first week of June.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

8. The Registry is directed to post the matter under the caption “For Reporting Compliance” in the first week of June.

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Index:Yes/No
Speaking order/Non-speaking order
smn



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To

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V.BHAVANI SUBBAROYAN,J.

smn

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