



WEB COPY



W.P.No.18957 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.18957 of 2024

R.Kumar

... Petitioner

Vs.

- 1.The District Collector,
Kancheepuram
- 2.The Assistant Divisional Engineer,
Tamil Nadu Road Infrastructures,
Development Corporation,
4th Floor LLA,
Building, 735 Annasalai,
Chennai-600 002.
- 3.The Tahsildar,
Kundrathur Taluk,
Kundrathur.
- 4.The Block Development Officer,
Padapai
- 5.G.Elumalai

Page Nos.1/8



W.P.No.18957 of 2024

.. Respondents

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, praying to direct the respondents 1 to 4 to take further actions in Na.Ka.No.111-2021-A4 dated 01.09.2021 and remove the encroachments.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.P.Balathandayutham
Special Government Pleader for
R1 to R4

ORDER

(Order of the Court was made by K.GOVINDARAJAN THILAKAVADI, J.,)

The writ petitioner seeks for issuance of writ of mandamus directing respondents 1 to 4 to take further actions in Na.Ka.No.111-2021-A4 dated 01.09.2021 and remove the encroachments in Survey Nos.9/1/ and 88 in Vanchuvacheri Village, Kundrathur Taluk, Kanchipuram District.

2.The case of the petitioner is that he owns a property to an extent



W.P.No.18957 of 2024

of 0.48 cents in Vanchuvacheri Village, Kundrathur Taluk, Kanchipuram District by virtue of sale deed dated 13.03.2013 comprised in Survey Nos.92/8, 92/5, 92/9, 92/5B, 92/8B, 92/9A2 respectively. The 5th respondent herein encroached the land belonging to the Highways Department comprised in Survey No.91/1 and in Survey No.88 by constructing six shops and thereby obstructing the ingress and egress to the petitioner's property. The petitioner sent a complaint dated 25.05.2021 to the Chief Minister cell in this regard. Though, the complaint was forwarded to the 3rd respondent namely the Tahsildar, Kundrathur, no action has been taken. Hence, the petitioner was constrained to file the present writ petition for issuance of writ of mandamus directing the respondents 1 to 4 to take further actions by removing the alleged encroachments.

3.Mr.J.Franklin, learned counsel for the petitioner would submit that, inspite of the representation given by the petitioner against the 5th respondent, till date, nothing tangible has transpired to remove the alleged encroachments by the official respondents.

Page Nos.3/8



W.P.No.18957 of 2024

WEB COPY

4. Issue notice.

5. Mr. Balathandayutham, learned Special Government Pleader for Respondents 1 to 4 accept notice.

6. By consent of the respective counsel, this writ petition is taken up for final disposal.

7. The learned Special Government Pleader submitted that a letter dated 12.07.2024 has been received by him from Tahsildar, Kundrathur, stating that, the alleged encroachment in S.Nos.91/1 and 88 will be removed immediately without any further delay.

8. Therefore, the Official respondents are directed to abide by the recitals of their letter communication dated 12.07.2024 in Na.Ka.No.2390/2024/A2 wherein and whereby, the 3rd respondent had stated that the alleged encroachments in Survey Nos.91/1 and 88 would



W.P.No.18957 of 2024

be removed immediately.

WEB COPY

9. In view of the facts and circumstances, the District Collector, Kanchipuram is directed to ensure that the said encroachments are removed as expeditiously as possible by issuing appropriate orders to the Competent Authorities concerned and submit a compliance report in this regard within a period of twelve weeks from the date of receipt of a copy of this order. We are acutely conscious that the 5th petitioner is not before us. Hence, all rights and contentions of the 5th petitioner is left open for being canvassed before the Competent Authority.

10. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

[M.S.J.,]

[K.G.T.J.,]

15.07.2024

vsn

Index : Yes / No

Page Nos.5/8



W.P.No.18957 of 2024

Speaking / Non-speaking
Neutral Citation : Yes / No

To

- 1.The District Collector,
Kancheepuram
- 2.The Assistant Divisional Engineer,
Tamil Nadu Road Infrastructures,
Development Corporation,
4th Floor LLA,
Building, 735 Annasalai,
Chennai-600 002.
- 3.The Tahsildar,
Kundrathur Taluk,
Kundrathur.
- 4.The Block Development Officer,
Padapai



WEB COPY



W.P.No.18957 of 2024

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

vsn

W.P.No.18957 of 2024

15.07.2024



WEB COPY



W.P.No.18957 of 2024