



WP No.22138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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V.Sadhanandham

: Petitioner

versus

1.The District Collector, Cuddalore District

2.The Revenue Divisional Officer,
Panruti Division, Cuddalore District

3.The Tahsildar,
Panruti Taluk, Cuddalore District

4.The President,
Vegakollai Village Panchayat,
Panruti Taluk, Cuddalore District

5.S.Sivabalan

6.S.Arumugam

7.A.Anandhi

8.S.Chandrasekar

9.K.Ramalingam

10.K.Anandajothi

11.K.Radhakrishnan

12.Lakshmanan

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to forthwith remove the encroachments in the public road comprised in S.No.793 of Vegakollai Village, Panruti Taluk, Cuddalore District, as sought for in the petitioner's representation dated 28.10.2022 sent by RPAD to the respondents and received by them.



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For Petitioner : Mr.S.Anil Sandeep
For Respondents 1 to 3 : Mr.C.Kathiravan,
Special Government Pleader
For Respondent No.4 : Mr.A.Anandan
Government Advocate

No appearance for respondents 5, 7 to 12

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Anil Sandeep, learned counsel for the petitioner, Mr.C.Kathiravan, learned Special Government Pleader, appearing for respondents 1 to 3 and Mr.A.Anandan, learned Government Advocate, appearing for the fourth respondent.

2. The learned counsel for the petitioner submits that public road exists at S.No.793 of Vegakollai Village, Cuddalore District and encroachments are made in the public road. Because of encroachments, the width of the road has been reduced. The Advocate Commissioner's report also does not specifically state of encroachment. It only states that the road exists. The petitioner has never disputed the existence of the road. On the contrary, the case of the petitioner is that road exists; however, there is encroachment on the road.



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3. A Status report was filed by the authorities. It stated that earlier, there were encroachments and the same were removed. Learned counsel for the petitioner was not convinced with the status report. At the request of learned counsel for the petitioner, we appointed an Advocate Commissioner. The Advocate Commissioner has also submitted his report. The report does not state about the encroachments existing on the public road.

4. If according to the the petitioner, the width of the road has been reduced, then, in that case, the petitioner can apply for measurement before the competent authority by paying necessary fees, and depending upon the report of the measurement, the parties can take further steps.

5. With these observations, the writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

21.02.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.The District Collector, Cuddalore District



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