



W.P.No.34297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34297 of 2023

1.N.A.Dharmarajan
2.N.A.Palanivel Rajakumar

.. Petitioners

VS

- 1.The District Collector,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Kancheepuram.
- 3.The Tahsildar,
Kancheepuram.
- 4.The Commissioner,
Kancheepuram Municipality,
Kancheepuram.
- 5.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 6.The Deputy Superintendent of Police,
Kancheepuram District,
Kancheepuram.



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7.The Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram.

8.N.Prathaban

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 7 to fully remove the illegal construction which is the Vinayakar Koil and the house construction of the 8th respondent in T.S.No.233/3, Kanikandeswarar Koil Street @ Pallavan Street in Block No.4, Ward No.3 in Kancheepuram Municipality to provide free access to the petitioners to reach their property and prevent any future encroachment and also consequently directing respondents 5 to 7 to provide police protection at the time of removal of encroachments.

For the Petitioners : Mr.T.S.Baskaran

For the Respondents : Mr.c.Kathiravan
Spl. Government Pleader
for respondents 1 to 3

: Mr.RA.Gopinath
for respondent No.4

: Mr.R.Muniyapparaj
Addl. Public Prosecutor
assisted by
Mr.Sylvester John
for respondents 5 to 7



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: Mr.J.Muthukumaran
for respondent No.8

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.T.S.Baskaran, learned counsel for the petitioners; Mr.C.Kathiravan, learned Special Government Pleader for respondents 1 to 3; Mr.RA.Gopinath, learned counsel for respondent No.4; Mr.R.Muniyapparaj, learned Additional Public Prosecutor, assisted by Mr.Sylvester John, learned counsel for respondents 5 to 7; and, Mr.J.Muthukumaran, learned counsel for respondent No.8.

2. Encroachment is alleged on the street.

3. It is submitted by learned counsel for the petitioners that respondent No.8 has encroached the public street.

4. Learned counsel for respondent No.8 submits that there is no encroachment made by respondent No.8. In fact, behind the temple, the godown and rice mill belonging to the petitioners are



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situated. Only the petitioners are creating problems. According to learned counsel for respondent No.8, earlier survey is conducted and, as per the survey, no encroachment is found.

5. Learned counsel for respondent No.4 submits that, *prima facie*, there appears to be an encroachment by respondent No.8. Notice would be given to respondent No.8 and further action would be initiated in accordance with law.

6. According to learned counsel for the petitioners, pursuant to the order of the learned Single Judge of this Court in W.P.No.20256 of 2008, dated 11.8.2009, the encroachment was removed by the Municipality. However, again respondent No.8 has encroached.

7. In view of the above, respondent No.4, with the help of respondent No.3, may carryout a survey of the subject street. The said survey shall be conducted within two months from today. Depending upon the report of the survey, steps shall be taken. In



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case, upon survey the encroachment is found, then steps shall be commenced for removal of the encroachment within one month thereafter.

8. With these observations, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.34188 of 2023 is closed. W.M.P.No.34184 of 2023 filed to permit the petitioners to file a single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

04.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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- 5.The Superintendent of Police,
Kancheepuram District,
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- 6.The Deputy Superintendent of Police,
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- 7.The Inspector of Police,
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THE HON'BLE CHIEF JUSTICE
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