



WEB COPY



W.P.No.31758 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.31758 of 2018

M/s.VGN Platina Welfare Association,
Represented by its President Mr.S.Srinivasan

... Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai, Opposite to Daily Thanthi,
Veppery, Chennai.
- 2.The Joint Commissioner of Police,
Chennai – West, Ambathur, Chennai -53.
- 3.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal, Chennai.
- 4.The District Collector,
Thiruvallur District.
- 5.The Tahsildar,
Office of the Avadi Taluk Office,
Avadi, Chennai – 54.
- 6.The Commissioner,

Page No.1 of 7



W.P.No.31758 of 2018

Villivakkam Panchayat Union,
at Ambattur, Chennai – 600 053.

7.The Block Development Officer,
Villivakkam (Village) Panchayat Union,
at Ambattur, Chennai.

8.The Executive Officer,
Ayappakkam Panchayat,
Ayappakkam, Chennai – 77.

9.T.Kamaraj

10.M.Rajasekar

11.D.Sivakumar

12.T.Velayutham

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 8 to initiate action against the respondents 9 to 12 based upon the petitioner's representation dated 04.09.2018, 01.10.2018 and 03.11.2018 and forbear the respondents 9 to 12 or any other person from putting up any construction in the public street for installing Vinayaga idol.

For Petitioner

: Mrs.V.S.Manimekalai

For R1 to R5, R7 and R8

: Mr.A.Selvendran
Special Government Pleader



W.P.No.31758 of 2018

For R6

: Mr.V.Jayaprakash Narayanan

For R9 to R12

: Mr.D.S.Rajasekar
for Mr.A.Thirumaran

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been filed to direct the respondents 1 to 8 to initiate action against the respondents 9 to 12 based on the petitioner's representations dated 04.09.2018, 01.10.2018 and 03.11.2018 and forbear the respondents 9 to 12 or any other person from putting up any construction in the public street for installing Vinayaga idol.

2. With reference to the relief sought for in the present writ proceedings, the respective learned Counsels Mrs.V.S.Manimekalai, appearing on behalf of the writ petitioner/association and Mr.D.S.Rajasekar, appearing for the respondents 9 to 12 would submit that the parties are ready to remove the encroachments and maintain the public road free from encroachments for the benefit of the people residing in that locality.



W.P.No.31758 of 2018

3. The Report filed by the Tahsildar reveals that temple encroachment is there. The Temple has been constructed on the public road. The road as per layout had been gifted in favour of the local body.

4. Mr.D.S.Rajasekar, learned Counsel for the respondents 9 to 12 would submit that the water storage area is also constructed on the road. However, Mrs.V.S.Manimekalai would oppose the said contention by stating that steps alone is constructed.

5. However, it is made clear that all the encroachments on the road are to be removed without affecting the water storage or other essential facilities provided to the residents of that locality. The encroached steps can be removed and it can be replaced suitably by the petitioner/association.

6. In this context, the 5th respondent/Tahsildar, Avadi and the 6th respondent/Commissioner, Villivakkam Panchayat Union, Ambattur are directed to demarcate the entire encroached portion on the public road and based on such survey, the parties are directed to remove the encroachments



W.P.No.31758 of 2018

within a period of four weeks from the date of receipt of a copy of this order.

After removal of encroachments , it is the duty of the respondents 4, 5 and 6 to ensure that the public road is maintained free from encroachment and all infrastructural facilities needed are to be provided as per the Rules in force. The entire exercise is directed to be completed within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.]

[K.R.S.J.]

15.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To
1.The Commissioner of Police,
Greater Chennai, Opposite to Daily Thanthi,
Veppery, Chennai.

2.The Joint Commissioner of Police,
Chennai – West, Ambathur, Chennai -53.



W.P.No.31758 of 2018

3.The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal, Chennai.

4.The District Collector,
Thiruvallur District.

5.The Tahsildar,
Office of the Avadi Taluk Office,
Avadi, Chennai – 54.

6.The Commissioner,
Villivakkam Panchayat Union,
at Ambattur, Chennai – 600 053.

7.The Block Development Officer,
Villivakkam (Village) Panchayat Union,
at Ambattur, Chennai.

8.The Executive Officer,
Ayappakkam Panchayat,
Ayappakkam, Chennai – 77.

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.



WEB COPY



W.P.No.31758 of 2018

veda

Order in
W.P.No.31758 of 2018

15.03.2024