

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.30584 of 2014 and M.P. No.1 of 2014

S.N. Sridharan
Proprietor
M/s. Ajitha Gas Agency
No.733-A Anna Salai
Thousand Lights
Chennai 600 006 ...Petitioner

Vs.

1 The Commissioner
Corporation of Chennai
Chennai 600 003

2 The Assistant Commissioner/Revenue Officer
Zone VII, Division 83
Ambattur
Corporation of Chennai
Chennai

3 Muthukumar ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to restore the land at Survey No.104/1 measuring 6,670 sq. ft. in Door No.33, Sastha Nagar, Thathang Kuppam, Villivakkam, Chennai 600 049 to its original position and pay a compensation of Rs. 1 lakh for the illegal removal of the fence.

For petitioner Mrs. Sudharshana Sunder

For RR 1 & 2 Mr. R. Arunmozhi

For R3

Mr. J. Deepak Rao for
Mr. S. Silambu Selvan

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner has come up with this writ petition seeking a writ of mandamus directing the respondents 1 and 2 to restore the land at S. No.104/1 measuring 6,670 sq. ft. in Door No.33, Sastha Nagar, Thathang Kuppan, Villivakkam, Chennai 600 049, to its original position and to pay a compensation to the tune of Rs.1 lakh for illegal removal of the fence.

2. It appears that the dispute arose from the representation dated 05.01.2013 made by the third respondent. This Court, while considering the writ petition being W.P. No.9169 of 2013, which was filed by the third respondent herein, seeking a direction to consider the said representation, by order dated 21.11.2013, directed the authorities to pass appropriate orders on the said representation, after affording an opportunity of hearing to the petitioner therein as well as the respondents 4 and 5 therein. The present writ petitioner was impleaded as the fifth respondent therein.

3. On a perusal of the papers, it appears that pursuant thereto, a notice was issued on 03.01.2014, calling upon the writ petitioner to attend enquiry on 20.01.2014 at 3 p.m. There is no dispute with the enquiry. Thereafter, notice under Section 222 of the Chennai City Municipal Corporation Act, 1990, was issued on 24.06.2014, calling upon the petitioner to remove the encroachment to an extent of 200 sq. ft. which was found as illegal. After expiry of the period of 15 days granted to comply with the order, the petitioner has made a representation on 09.08.2014, pointing out that the land in question, wherein, it was found that the petitioner had made an encroachment, belongs to the petitioner and approval was also granted earlier by the Municipality on 17.04.1989 to put up a building. After this representation, no proper order was passed dealing with the averments made by the petitioner in his representation and also on the basis of survey and inspection of the property in question.

4. Thus, the authorities are directed to pass appropriate orders, after proper survey of the area and dealing with the representation made by the petitioner. If it is found that the encroachment still continues, the appropriate action for removal of the encroachment shall be taken in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected Miscellaneous Petition is closed.

cad

Sd/-
Assistant Registrar

// True Copy //

To

1 The Commissioner
Corporation of Chennai
Chennai 600 003

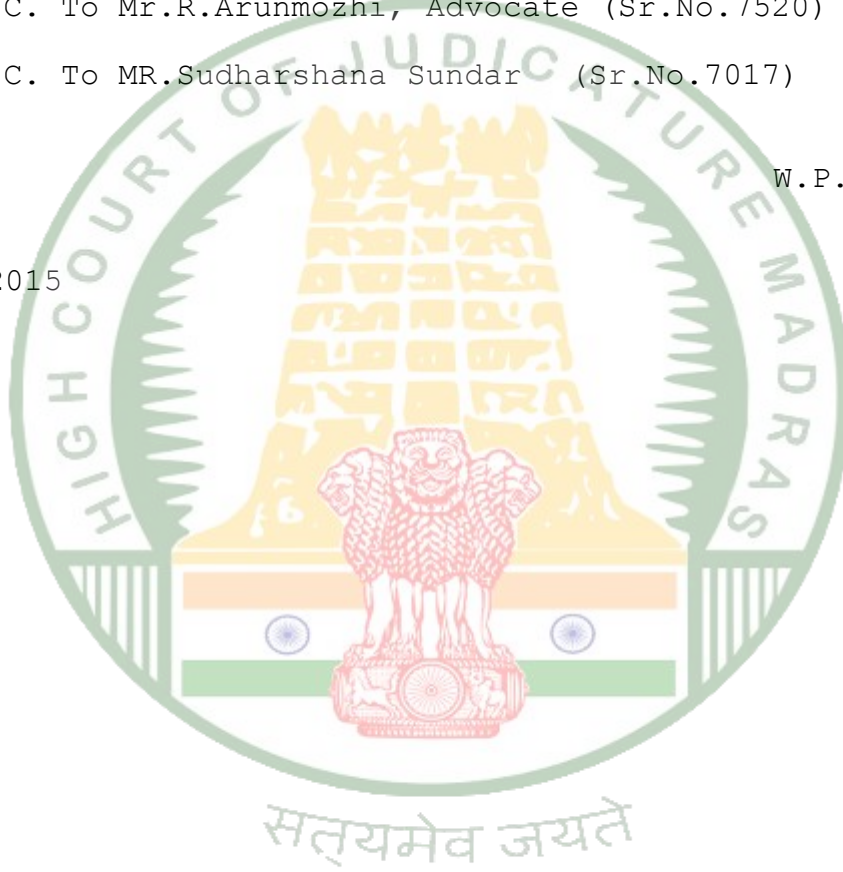
2 The Assistant Commissioner/Revenue Officer
Zone VII, Division 83
Ambattur
Corporation of Chennai
Chennai

+1 C.C. To Mr.R.Arunmozhi, Advocate (Sr.No.7520)

+1 C.C. To MR.Sudharshana Sundar (Sr.No.7017)

W.P.No.30584 of 2014

PA(CO)
sd 23/02/2015



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