

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 21-04-2015

CORAM

The Honourable Mr. Justice SATISH K. AGNIHOTRI
and
The Honourable Mr. Justice M. VENUGOPAL

W.P.No.11486 of 2015
and
M.P.No.1 of 2015

1. Mr.K.Gnanaprakasam
S/o.Kitherimuthu No.23 Amman Koil Street
M.H.Colony Aminjikaiarai Chennai-29. ... Petitioner

Vs

1. The Commissioner
Corporation of Chennai Rippon Building
Chennai.
2. The Engineer in Chief
Public Works Department Chepauk Chennai-5.
3. The Executive Engineer
Water Resources Department Public Works
Department Special Scheme Zone III & Sub
Zone 1 & II Chepauk Chennai-5. ... Respondents

Petition under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from interfering with the petitioner residential premises bearing No.23, Amman Koil Street, M.H.Colony Aminjikaiarai, Chennai-29 without any authority of law unless the petitioner representation dated 1.4.2015 is disposed of in accordance with law

For petitioner : Mr. S. Anburaja

For R1 : Mr. G. Anantharangan,
Standing Counsel

For RR 2 & 3 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

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

Mr. G. Anantharangan, learned Standing Counsel, takes notice for the first respondent. Mr.P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondent Nos.2 and 3. With consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is stated to be residing at No.23, Amman Koil Street, M.H.Colony Aminjikarai, Chennai-29. The grievance of the petitioner is that the authorities, without any notice, came forward asking him to remove his premises as the same falls within the protection area of the river channel. The petitioner has made a representation on 01-04-2015 pointing out that his premises is far away from the water channel of Koovam river. The other persons have already been permitted to continue. Thus, an opportunity be afforded to him to put forward his case before the authorities before an action is taken by them for removal of the premises.

3. Mr. P.S. Shivashanmugha Sundaram, learned Special Government Pleader appearing for the second and third respondents submits that the said representation shall be considered in accordance with law and on its own merits, after affording an opportunity of personal hearing to the petitioner and an appropriate order will be passed within a period of one week.

4. In such view of the matter, nothing survives for adjudication. The writ petition is disposed of. It is needless to state that before passing an order on the representation dated 01-04-2015, no steps shall be taken to remove the petitioner from the property, in question. No costs. The connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

glp

To

1. The Commissioner
Corporation of Chennai Rippon Building
Chennai.
2. The Engineer in Chief
Public Works Department Chepauk Chennai-5.
3. The Executive Engineer
Water Resources Department Public Works
Department Special Scheme Zone III & Sub
Zone 1 & II Chepauk Chennai-5.

+lcc to Mr.G.Anantharangan, Advocate, S.R.No.21554
+lcc to Mr.S.Anburaja, Advocate, S.R.No.21605
+lcc to the Government Pleader, S.R.No.22096

W.P.No.11486 of 2015
and
M.P.No.1 of 2015

SKV(CO)
CA(30/04/2015)



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