

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12-02-2015

CORAM:

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

W.P. No. 1268 of 2015
and
M.P. No.1 of 2015

1. G. Paul Pandian
2. C. Dorairaj
3. O. Abhay Kumar Jain

...Petitioners

Vs.

- 1 The Commissioner
Corporation of Chennai Rippon Building
Chennai-3
- 2 The Tahsildar
Amangikarai Division Koyembadu
- 3 The Assistant Engineer
TNEB Koyembadu
- 4 The Inspector of Police
K-11 Police Station Koyembadu -107
- 5 S.Mohamed Gani
No.54 Poonamallee High Road Chennai-107
- 6 R.Paneeerselvam
Rohini Movie Park
Koyembadu Chennai-107.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of directing the respondents 1 to 4 to remove the illegal construction activities of encroachment made by the 5th and 6th respondents at the entry point of New Corporation Road leading from Poonamallee High Road in Block No.32 & 33 in T.S.No.10 & 17 and S.No.140 of Koyembedu Town, Egmore - Nungambakkam Taluk.

For petitioners : Mr. L. Chandrakumar

For respondents : Mr. A. Nagarajan - R1
Mr. P.S. Sivashanmugasundaram
Special Government Pleader-R2 to R4

ORDER

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

The petitioners, claiming to be owners of the adjacent properties, have come up with this writ petition seeking a direction to the respondents 1 to 4 to take action for removal of the encroachment on the pathway in Block No.32 & 33 in T.S.No.10 & 17 and S.No.140 of Koyembedu Town, Egmore - Nungambakkam Taluk.

2 Pursuant to notice dated 21.1.2015, the second respondent had filed reply affidavit stating that as per revenue records the old S.No.140/1, part & 1q41/1 Part and New Survey No.17 is a Government Poramboke land in Block No.33, Koyambedu village, which has been classified as a 'pathway' and belongs to Chennai Corporation/ the first respondent and as such the first respondent alone is competent to consider the representation of the petitioners.

3. Learned counsel appearing for the Chennai Corporation/ the first respondent, on a perusal of the reply affidavit, submits that the Corporation will take necessary steps to remove the encroachment in accordance with law.

4. In view of the above submission, the first respondent is directed to make inspection and survey with regard to the alleged encroachment, after issuing notice to the persons concerned and if it is found that there is encroachment, necessary steps for removal of the same shall be taken, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5 With the above direction, this writ petition stands disposed of. Connected Miscellaneous Petitions is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ra

To

- 1 The Commissioner
Corporation of Chennai Rippon Building
Chennai-3
- 2 The Tahsildar
Amangikarai Division Koyembadu
- 3 The Assistant Engineer
TNEB Koyembadu
- 4 The Inspector of Police
K-11 Police Station
Koyembadu -107

1 CC to Mr. L. Chandrakumar, Advocate SR.No. 8043

1 CC to Mr. A. Nagarajan, Advocate SR.No. 7577

1 CC to the Government Pleader, SR.No. 7655

KU (CO)
PSI (02.03.2015)

W.P. No.1268 of 2015

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