

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.32838 of 2014

R. Lakshmanan
rep by its power of Attorney
L. Ramachandran

Petitioner

Vs.

1 The Assistant Commissioner
Chennai Corporation, Zone 11
Arcot Road
Valasarawalkam
Chennai

2 The Executive Engineer
Chennai Corporation, Zone 11
Arcot Road
Valasarawalkam
Chennai

3 P. Mohamed Safiq

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 08.08.2014 and consequently, direct the respondents 1 and 2 to take necessary action on the third respondent.

For petitioner Mr. A.S. Dinesh
for Mr. N. Subramani

For RR 1 & 2 Mr. K. Soundararajan

For R3 Mr. A.S. Thambuswamy

ORDER

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

The instant writ petition has been filed by the petitioner, who is allegedly a neighbour of the third respondent, seeking a direction

to the respondents 1 and 2 to consider his representation dated 08.08.2014 and pass orders for removal of encroachment made in the area in question.

2 The learned counsel for the third respondent submits that the third respondent has not made any encroachment. The third respondent has made the construction strictly in accordance with the approved plan. It is further contended that the petitioner has made an encroachment and in order to purchase the property of the third respondent, the petitioner is pressurising the authorities to take action against the third respondent, who is a law abiding citizen and has not made any encroachment.

3 We are not inclined to go into the disputes with regard to the relationship of the parties and also whether proper approval has been granted or not. We deem it fit and proper to direct the respondents 1 and 2 to have inspection of the area in question in the presence of the petitioner as well as the third respondent and after inspection and after hearing both the parties, if it is found that encroachment is made on the Government/Municipality land, the same shall be removed expeditiously in accordance with law and on merits.

4 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

cad

To

1 The Assistant Commissioner
Chennai Corporation, Zone 11
Arcot Road
Valasarawalkam
Chennai

सत्यमेव जयते
WEB COPY

2 The Executive Engineer
Chennai Corporation, Zone 11
Arcot Road
Valasarawalkam
Chennai

1 cc to Mr.K. Soundararajan, Advocate, Sr. 7678
1 cc to Mr.A.S. thambusamy, Sr. 7163
1 cc to Mr.N. Subramani, Sr. 7047

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