

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:11-06-2015

CORAM:

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

W.P.No.16464 of 2015
and
M.P.No.1 of 2015

1 A.Rosi Gnanadeepam
W/o.Ambikapathy
No.33 Thiruveedi Amman Koil
2nd Street, Aminjikarai
Chennai-600 029.

Petitioner

Vs

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-600003.

2 The Executive Engineer
Enforcement Wing, Corporation of Chennai
No.36-B Pulla Avenue, Shenoy Nagar
Chennai- 600 030.

3 K.Kumar S/o.B.Krishnan
Door No.71
Tiruveethi Amman Koil Street
(1st Street)
Aminjikarai, Chennai-30 at present
No.61 Ayyavoo Street, Shenoy Nagar
Chennai-30.

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of directing the 2nd respondent to consider the petitioners representation dated 30.03.2015 and consequently to take action against the 3rd respondent in accordance with law for removal of his encroachment and illegal construction in the Thiruveedi Amman Kovil 2nd Street Aminjikarai Chennai-600 029.

For petitioner :: Mr. C.P. Sivamohan
For respondents :: Mr. R. Arunmozhi for RR1 and 2

ORDER

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

Heard Mr. C.P. Sivamohan, learned counsel for the petitioner and Mr. R. Arunmozhi, learned counsel for the respondent Nos.1 and 2. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. The limited relief sought in this writ petition is a direction to the second respondent to take action on the representation dated 30-03-2015, made by the petitioner.

3. The case of the petitioner before us is that he is the owner and resident of the property bearing door No.33, Thiruveedi Amman Kovil 2nd Street, Aminjikarai, Chennai - 600 029 and in his neighbourhood there exists a 8 feet common pathway which is Thiruveedi Amman Kovil 2nd Street, wherein the third respondent without any proper approval or permission has put up illegal construction, thereby causing obstruction and nuisance to the residents. Accordingly, a representation was made to the second respondent on 30-03-2015. Despite such representation, no steps have been initiated by the authorities for removal of the encroachment.

4. Mr. R. Arunmozhi, learned counsel for the second respondent submits that the authorities shall look into the representation and after proper inspection and also after affording opportunity of hearing to the alleged encroachers shall take steps to remove the encroachments, if any.

5. The respondent No.3 has been impleaded as the alleged encroacher. At this stage, it is not necessary to issue notice as no action can be taken on the allegation of encroachment without affording proper opportunity of hearing to him. Accordingly, we direct the respondent Nos.1 and 2 to examine the representation and take necessary action as per law and merit, within a period of four weeks, from the date of receipt of a copy of this order. It is needless to state that no action can be taken against any person including the encroacher, without affording opportunity of hearing to the concerned persons.

6. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp

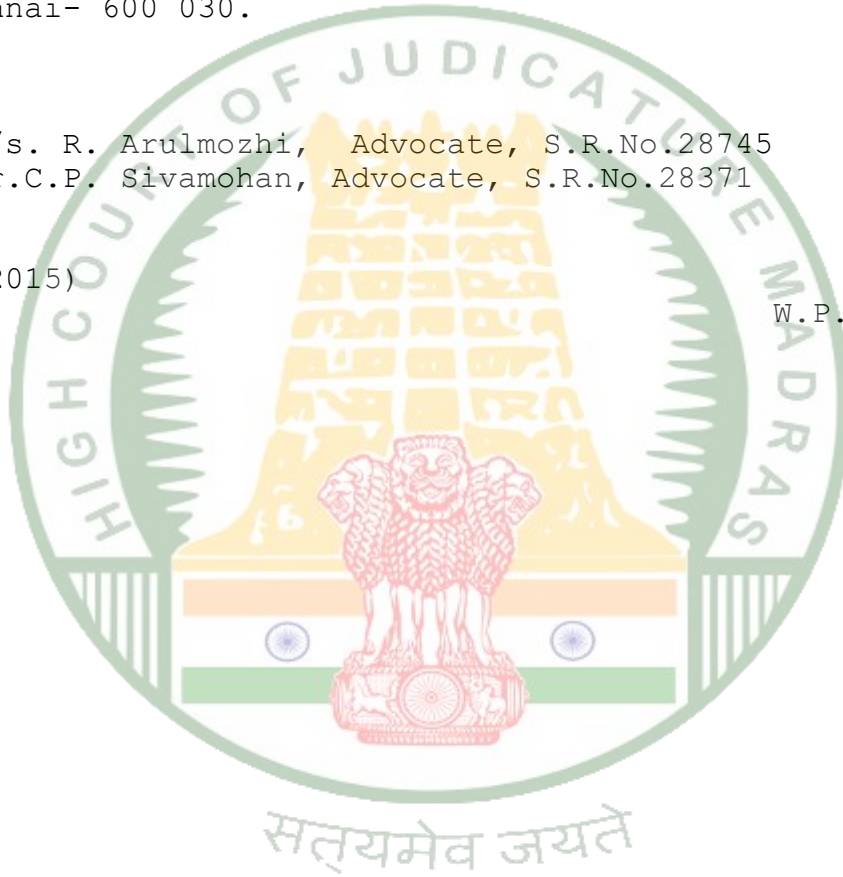
To

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai-600003.
- 2 The Executive Engineer
Enforcement Wing, Corporation of Chennai
No.36-B Pulla Avenue, Shenoy Nagar
Chennai- 600 030.

+1cc to M/s. R. Arulmozhi, Advocate, S.R.No.28745
+1cc to Mr.C.P. Sivamohan, Advocate, S.R.No.28371

MG(CO)
EU(23/06/2015)

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