

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 20947 of 2015

G. Jobai

Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
2. The Area Engineer,
Division No.96,
Corporation of Chennai,
Ayanavaram, Chennai 600 023.
3. Shanthi
4. Sankar
5. R. Viji

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 herein to demolish the encroached road portion occupied by the respondents 3 to 5 herein at No.12 Palayakkaran Street 2nd Line Ayanavaram Chennai-600 023.

For petitioner : Mr. V.V. Sairam

For respondents : Mr. A. Nagarajan - R1 & R2

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ORDER

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

With the consent of the learned counsel for the petitioner and the learned counsel appearing for respondents 1 and 2, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition is filed to issue a direction to the respondents 1 and 2 to demolish the encroached road portion occupied by the respondents 3 to 5 at No.12, Palayakkaran Street 2nd Line, Ayanavaram, Chennai-600 023.

3 Notice to respondents 3 to 5, who are the alleged encroachers, is dispensed with, as no adverse steps for removal of the encroachment can be taken without affording proper opportunity of hearing to them.

4 The petitioner, claiming to be a resident of Palayakkara Street II Lane, Ayanavaram, Chennai, states that on account of encroachment made by the respondents 3 to 5 on the Government road, the residents of the said locality are finding it very difficult to use the said road. Thus, the petitioner has made a representation dated 27.05.2015 to the respondents 1 and 2, but, there is no response. Hence, the present writ petition for the relief as aforestated.

5 Considering the nature of the relief sought by the petitioner, we direct the authorities/respondents 1 and 2 to consider the petitioner's representation dated 27.05.2015 in respect of removal of the alleged encroachment made by the respondents 3 to 5 on the road in question and pass appropriate orders, after affording an opportunity of hearing to the alleged encroachers, on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the authorities are obliged to pass a reasoned order adverting to each and every point/issue raised by the petitioner in his representation.

6 With the above direction and observation, the writ petition stands disposed of. Costs made easy.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

2. The Area Engineer,
Division No.96,
Corporation of Chennai,
Ayanavaram, Chennai 600 023.

+1 cc to Mr.A.Nagarajan Advocate vide sr.37413

+1 cc to Mr.V.V.Sairam vide sr.37507

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