

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

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

W.P. No.22666 of 2015 and M.P. No.1 of 2015

A. Ravi Kumar

Petitioner

vs.

1 The District Collector
Chennai District
Singaravelar Maaligai
Rajaji Salai
Chennai 600 001

2 The Commissioner
Corporation of Chennai
Ripon Buildings
EVR High Road
Chennai 600 003

3 The Tahsildar
Perambur - Purasawakkam Taluk
Perambur, Chennai

4 The Assistant Engineer
Corporation Ward No.35
Corporation of Chennai
No.61, Basin Bridge Road
Chennai 600 021

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to restore the Government land/poramboke land as a lane connecting Muthamizh Nagar, 25th and 26th Streets, Kodungaiyur, Chennai by removing the encroachments.

For petitioner Mr. S. Subramaniam Balaji

For RR 1 & 3 Mr.P.S. Sivashanmugasundaram
Special Government Pleader

For RR 2 & 4 Ms. Karthikaa Ashok
Standing Counsel

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 3. Ms. Karthikaa Ashok, learned Standing Counsel, accepts notice for respondents 2 and 4. 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 petitioner, claiming to be a resident of 25th Street, Muthamizh Nagar, Kodungaiyur Phase II, Chennai 600 118, has filed the instant writ petition, seeking a direction to the respondents 1 and 2 to initiate action on the representation made by him to the fourth respondent and the Revenue Divisional Officer, Perambur Division, on 15th June 2015.

3 According to the learned counsel for the petitioner, the petitioner has obtained information under the provisions of the Right to Information Act, 2005, that at the end of the 25th Street, Muthamizh Nagar, Kodungaiyur Phase II, Chennai 600 118, there is an encroachment on the Government road (lane), which needs to be cleared by the authorities. Accordingly, he made a representation to the concerned officers, as aforestated. However, no response has come thereafter.

4 On a scrutiny of the pleadings, we find that though the petitioner has made a representation to the Revenue Divisional Officer, however, the Revenue Divisional Officer is not impleaded as a party respondent herein. The Tahsildar is arrayed as the third respondent. The Assistant Engineer to whom a letter was addressed on 15th June 2015 is the fourth respondent.

5 Accordingly, the fourth respondent is directed to examine the petitioner's representation dated 15th June 2015, advertent to each and every averment made therein and after proper verification and survey of the road/lane in question, take necessary steps under the provisions of law to clear the road/lane by removing the encroachment, if any, as alleged by the petitioner. Needless to state that the encroachment, if any, has to be cleared only after issuance of notice to the alleged encroachers. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

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Perambur, Chennai
- 4 The Assistant Engineer
Corporation Ward No.35
Corporation of Chennai
No.61, Basin Bridge Road
Chennai 600 021

+1cc to Mr.Subramanian Balaji, Advocate, S.R.No.38777
+1cc to Ms. Karthikaa Ashok, Advocate, S.R.No.38924
+1cc to the Government Pleader, S.R.No.38924

GJ(CO)
EU(12/08/2015)

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