

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 5/11/2015

C O R AM

THE HONOURABLE Mr.JUSTICE T.SIVAGNANAM

W.P.No.23697 of 2015

T.S.Dhakshinamurthy

... Petitioner

Vs

1. The Secretary
Municipal Administration & Water Supply
Government of Tamil Nadu
Fort St. George
Secretariat
Chennai 9.
 2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 3.
 3. The City Engineer
Works Department
Corporation of Chennai
Rippon Buildings
Chennai 600 003.
 4. The Executive Engineer
Zone VI, Corporation of Chennai
No.266 T.H.Road
Chennai 21.
 5. The Assistant Executive Engineer
Unit 9 Corporation of Chennai
4th East Cross Street
M.K.B.Nagar
Chennai 39.
 6. Pradeep Kumar Sarawagi
 7. V. Baskaran
 8. V. Thiyagarajan
- (R6 to R8 are impleaded as per
Order dated 05.11.2015 in
M.P.No.1 of 2015)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to take necessary action on the representation dated 13/6/2015 sent by the petitioner.

For petitioner : Mr.R.Narendran

For respondents : Mr.S.Diwakar
Additional Government Pleader
for R.1

Mr.P.V.Selvakumar
for R.R.2 to 5.

Mr.M.Mohamed Ghose
for R.6.

Mr.A.S.Vijay Anand
for R.R.7 and 8.

O R D E R

This writ petition has been filed praying to direct the second respondent to take necessary action on the representation dated 13/6/2015 sent by the petitioner.

2. Heard the learned counsel appearing for the petitioner and the respondents.

3. The issue raised by the petitioner pertains to a layout as to whether there is a 20 feet road on the western side of the approved layout plan in respect of layout No.25/74 and 2.

4. According to the petitioner, the Executive Engineer, the Zone VI, Corporation of Chennai has not verified the approved layout plan and informed the petitioner under the Right to Information Act that there is no layout route in the western portion of Plot No.55. The petitioner would state that the officials of the Corporation are acting in collusion with the seventh respondent.

5. In my view, at this stage of the matter, these allegations cannot be gone into, since already the sixth respondent, who is the petitioner in W.P.No.9496 of 2015,

seeks for the issuance of a writ of mandamus to direct the first respondent/Commissioner, Corporation of Chennai, to consider his representation dated 17th September 2014 in the said writ petition. The seventh and eighth respondents herein were the respondents 2 and 3 and the allegation was that the seventh and eighth respondents herein were acting contrary to the parent documents and have willfully suppressed the existence of 20 feet road on the western side of Plot No.55. The said writ petition was heard by the Honourable Division Bench of this Court and the writ petition was withdrawn with liberty to make a fresh representation to the Corporation of Chennai. While disposing of the writ petition by an order dated 1st April 2015, passed the following order.

"In view of the above submission and endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn, with liberty as aforestated, if so advised. In the event of the petitioner making a representation pointing out the encroachment on the public street and also illegal construction, the authorities are directed to consider the same in accordance with law and to take necessary consequential action, as early as possible, preferably, within a period of six weeks from the date of receipt of the representation, if any. No costs."

6. The sixth respondent would state that the Corporation of Chennai has not complied with the order and they have filed Contempt Petition and the matter is now pending. In this writ petition, the petitioner seeks for an identical prayer and he also states that in the aforestated writ petition, the sixth respondent herein has projected the similar set of facts. The further allegation is that the Officers are acting in collusion with the seventh and eighth respondents.

7. Counter affidavit has been filed by the fourth respondent and reiterates the earlier stand. In paragraph 7 of the counter affidavit filed by the fourth respondent, he submits that the Tahsildar, Fort-Tondiarpet Taluk, may be directed to ear-mark the road in entire layout vide L.P.D.M/D.T.P.No.25/74, in order to take further necessary action.

8. In the light of the above stand, this Court, at this stage of the matter, it is not necessary to issue the directions sought for by the petitioner in the writ petition to grant opportunity to the writ petitioner to direct the Tahsildar, Fort-Tondiarpet Taluk, to ear mark the routes in the entire layout L.P.D.M/D.T.P.No.25/74. If such an request is made by the petitioner to the Tahsildar, the same shall be considered, within a period of three weeks, from the date of receipt of the said representation. Since Tahsildar is not a party to the writ petition, copy of the order is directed to be forwarded to the Tahsildar, Fort-Tondiarpet Taluk, for appropriate action.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary
Municipal Administration & Water Supply
Government of Tamil Nadu
Fort St. George
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Chennai 9.
2. The Commissioner
Corporation of Chennai
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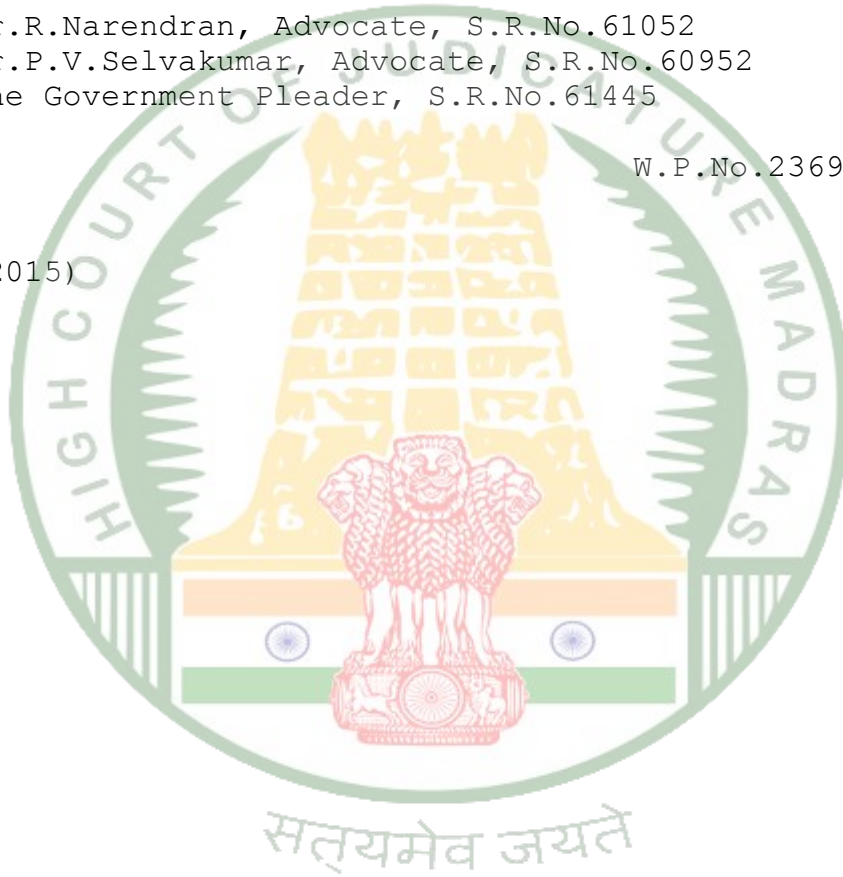
5. The Assistant Executive Engineer
Unit 9 Corporation of Chennai
4th East Cross Street
M.K.B.Nagar
Chennai 39.

6. The Tahsildar
Fort-Tondiarpet Taluk
Chennai.

+1cc to Mr.R.Narendran, Advocate, S.R.No.61052
+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.60952
+1cc to the Government Pleader, S.R.No.61445

W.P.No.23697 of 2015

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CA(24/11/2015)



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