

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.24470 of 2015

V. Poongothai

...Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi-Irwin Road,
Egmore, Chennai.8.
2. The Commissioner,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai.64.
3. The Extension Officer (Layout Approval),
St. Thomas Mount Panchayat Union,
Chitlapakkam (E), Chennai.64.
4. Kumar

...Respondents

Writ Petition in WP No.24371 of 2015 filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondents 1 & 2 to consider the representation made by the petitioner dated 14.10.2014 and further direct the 3rd respondent to file a report within a reasonable time.

For petitioner : Mr. R. Dhinesh Kumar

For respondents : Mr. C. Johnson - R1
Mr. I.S. Inbadurai
Spl. Govt. Pleader - R2 & R3

ORDER

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

Mr. C. Johnson, learned counsel accepts notice on behalf of the first respondent and Mr. I. S. Inbadurai, learned Special Government Pleader, accepts notice on behalf of the respondents 2 and 3. With the consent of all the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 Considering the limited scope of the relief sought in this writ petition, it is not necessary to issue notice to the private respondent, at this stage.

3 On perusal of the records, we notice that a representation was made by the petitioner on 14.10.2014 to the first and second respondents and also to the Tahsildar, Sholinganallur. The first respondent, taking note of the said representation, sent a communication dated 06.04.2015 to the second respondent to examine the representation and take necessary enforcement action against the construction, if the same is unauthorised. Thereafter, on 15.04.2015, the second respondent has issued a memo endorsing a copy to the petitioner. Seemingly, according to the petitioner, no steps have been taken thereafter.

4 Having regard to the nature of the relief sought in this writ petition, we are not inclined to make any observation in respect of the merits of the case. However, we direct the second and third respondents to examine the petitioner's representation dated 14.10.2014 and take necessary consequential action on its own merits and in accordance with law, after notice to the alleged encroachers, including the fourth respondent herein, within a period of six weeks from the date of receipt of a copy of this order.

5 This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi-Irwin Road,
Egmore, Chennai.8.
2. The Commissioner,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai.64.
3. The Extension Officer (Layout Approval),
St. Thomas Mount Panchayat Union,
Chitlapakkam (E), Chennai.64.

1 CC to Mr. R. Dhinesh Kumar, Advocate SR.No. 41720

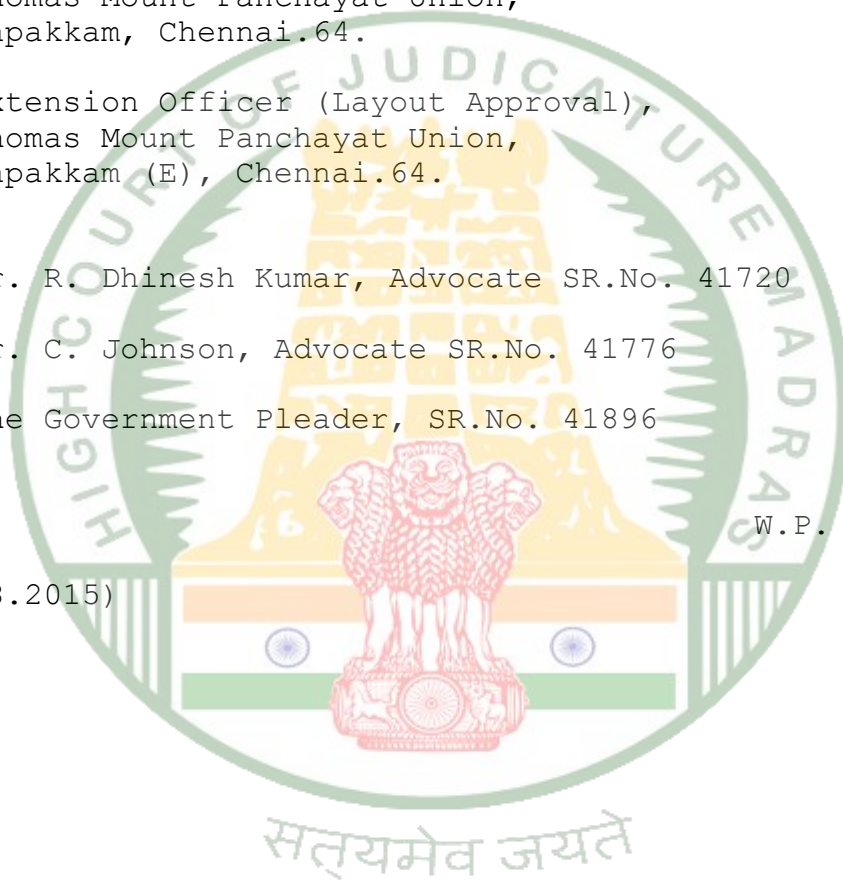
1 CC to Mr. C. Johnson, Advocate SR.No. 41776

1 CC to the Government Pleader, SR.No. 41896

SV (CO)

PSI (28.08.2015)

W.P. No.24470 of 2015



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