

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2015

CORAM:

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

W.P. No.31395 of 2015

Ravichandran Chetty
represented by Power Agent Ramu
S/o A.M.S. Mani
residing at Door No.5/25, Old No.25
Seven Wells Street
St. Thomas Mount
Chennai 600 016

....Petitioner

Vs

1 The Chief Executive Officer
Office of the Cantonment
St. Thomas Mount
Chennai 600 016

2 Velayudam

....Respondents

Writ Petition filed under Article 226 of the Constitution seeking a writ of mandamus directing the first respondent to take action on the petitioner's representation dated 09.04.2015 and to demolish the unauthorised construction put up by the second respondent in the property in Door No.5/25, Old No.25, Seven Wells Street, St. Thomas Mount, Chennai 600 016, in accordance with law.

For petitioner : Mr. R. Srinivas

For R1 : Mr. C. Mohan
for M/s. King and Partridge

ORDER
(delivered by SATISH K. AGNIHOTRI, J.,)

Mr. C. Mohan, learned counsel representing M/s. King & Partridge, accepts notice for the first respondent. It is not necessary to issue notice to the second respondent at this stage, inasmuch as, this is only a case of consideration of the petitioner's representation and no action can be taken by the authorities without affording an opportunity of hearing to him. Thus, with the consent of the learned counsel for the petitioner and the learned counsel for the first respondent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the first respondent to take action on the petitioner's representation dated 09 (sic 29) April 2015 and to demolish the unauthorised construction put up by the second respondent in the property in Door No.5/25, Old No.25, Seven Wells Street, St. Thomas Mount, Chennai 600 016, in accordance with law.

3 The petitioner is stated to be the owner of the aforesaid property. According to the petitioner, alleging that the second respondent has started to put up unauthorised construction in the adjacent plot encroaching upon his land, he has addressed a representation to the first respondent on 29 April 2015. Since the first respondent has not paid heed to the said representation, the petitioner has come up with the instant writ petition, seeking the aforestated relief.

4 Considering the limited nature of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to consider and pass orders on the petitioner's representation dated 29 April 2015 on its own merits and in accordance with law and take consequential action, within a period of six weeks from the date of receipt of a copy of this order. Needless to state that no adverse action be taken without affording an opportunity of hearing to the alleged encroacher, viz., the second respondent.

5 The writ petition stands disposed of with the
aforestated direction. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cad

To

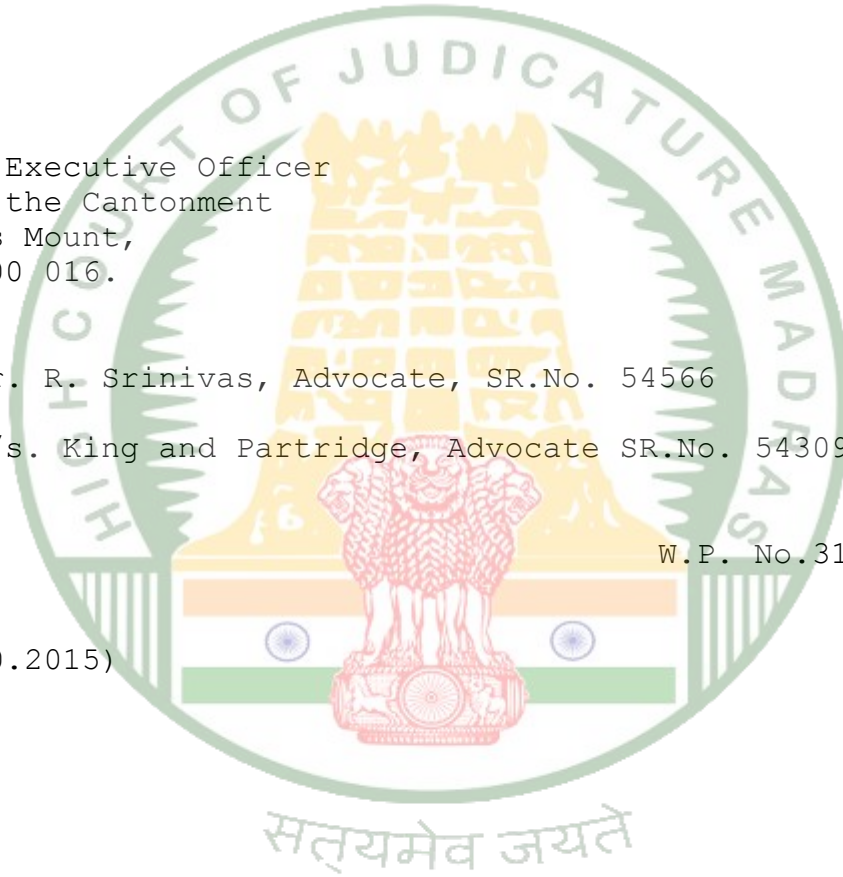
The Chief Executive Officer
Office of the Cantonment
St. Thomas Mount,
Chennai 600 016.

1 CC to Mr. R. Srinivas, Advocate, SR.No. 54566

1 CC to M/s. King and Partridge, Advocate SR.No. 54309

W.P. No.31395 of 2015

GGK (CO)
PSI (26.10.2015)



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