

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.3254 of 2015

- 1 R.Rajabharathi
S/o.Pon Ravanan Flat No.F1 Ruby Valley
Phase II R.K.V.Avenue Jamin Pallavaram
Chennai-600 043
- Vs
- 1 Pallavaram Municipality
Rep. by its Commissiner 3rd Main Road
New Colony Chromepet Tamilnadu 600 044
- 2 The Corporation of Chennai
rep. by its Commissioner Rippon Building
Chennai
- 3 Chennai Metropolitan Development Authority
rep. by its Member Secretary
Thalamuthu Natrajan Maligai
Gandhi Irwin Road Egmore Chennai-8
- 4 Siva
Insperctor (Retired) F/o.S.Rani NO.59 R.K.
V.Avenue 2nd Cross Street Zamin Pallavaram
Chennai-600 117
- 5 S.Rani
NO.59 R.K.V.Avenue 2nd Cross Street Zamin
Pallavaram Chennai-600 117
- 6 Sridevi
No.59 R.K.V.Avenue 2nd Cross Street Zamin
Pallavaram Chennai-600 117

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing respondents 1 to 3 to immediately inspect the land in Survey No.183/8 and the property of

the respondents 4 to 6 in Door No.59 R.K.V.Avenue 2nd Cross Street Zamin Pallavaram Chennai-600 117 demolish the portion encroached by the respondents 4 to 6 and the deviation made by them to the approved plan within stipulated period

For petitioner Mr. S. Saravana Kumar

For R 1 Mr. P. Srinivas

For R2 Mr. G. Anantharangan

For R3 Mr. N. Sampath

ORDER

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

With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner has come up with this petition seeking a direction to the respondent Nos. 1 to 3 to take consequential action to the order dated 11-12-2014 issued by the Commissioner, Pallavaram Municipality. It is further stated that the petitioner has made a representation to the first respondent on 07-01-2015 endorsing a copy to the other respondents for taking action in accordance with law and on its own merit, stating that the respondent Nos.4 to 6 have illegally put up a structure on the public land, more particularly, in survey No.183/8. Thus, a direction be issued to the respondent Nos.1 to 3 to take action immediately for demolition of the said structure and removal of the same.

3. Mr. P. Srinivas, learned Standing counsel for the first respondent, Mr. G. Anantha Rangan, learned Standing Counsel for the second respondent, Mr. N. Sampath, learned Standing Counsel for the third respondent accepts notice and submits that the representation dated 07-01-2015 of the petitioner will be considered in accordance with law and on its own merits, expeditiously.

4. The respondent Nos.4 to 6 are private respondents. Notice have been issued to the respondent Nos.5 and 6 on 11-12-2014, by the first respondent under provisions of Section 182, 183 and 199 of the amended Tamil Nadu District Municipalities Act. It is not clear as to whether a notice has been issued to the said fourth respondent at any point of time. If the fourth respondent has not been notified, the

authorities are directed to serve proper notice and thereafter, take action in accordance with law and on merits, however, not later than four weeks, from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

/ True copy /

Sub Assistant Registrar

glp

To

- 1 The Commissioner
Pallavaram Municipality
3rd Main Road New Colony Chromepet
Tamilnadu 600 044
- 2 The Commissioner
Corporation of Chennai
Rippon Building Chennai
- 3 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natrajan Maligai
Gandhi Irwin Road Egmore Chennai-8

+1 cc to Mr.S.Saravana Kumar, Advocate SR.7144
+1 cc to Mr.P.Srinivas, Advocate SR.7037
+1 cc to MR.G.Anantharangan, Advocate SR.7019
+1 cc to Government Pleader SR.7178

W.P.No. 3254 of 2015

RV(CO)
VS 24/02/15

WEB COPY

10.02.2015



WEB COPY