

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.32773 of 2015

D. Sumathi

Petitioner

Vs.

- 1 The District Collector
Tiruvallur
- 2 The Tahsildar
Madhavaram
Tiruvallur District
- 3 The Managing Director
Metro Water Department
No.1, Pumping Station Road
Anna Salai, Chinthadripet
Chennai 600 002
- 4 The Managing Director
Metro Water Department
Puzhal
Chennai 600 066
- 5 The Executive Engineer
Chennai Corporation - Zone 7
No.536, Ambattur
Chennai 600 053

6 Dinakaran

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 5th respondent to demolish the illegal construction made by the 6th respondent at Metro Water land as well as in the petitioner's Plot No.395 in Survey No.190/B14A4(190/B416) situated at Surapet Village, Ambattur Taluk, Tiruvallur District based on communication dated 21.05.2015 issued by the Tahsildar, Madhavaram.

For petitioner Mr. R. Venkatesulu
For RR 1 & 2 Mr. N. Sakthivel, Govt. Advocate
For R5 Mr. V.C. Selvasekaran, Standing Counsel

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1 and 2. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for the fifth respondent.

2 This writ petition is filed seeking a writ of mandamus directing the 5th respondent to demolish the illegal construction made by the 6th respondent at Metro Water land as well as in the petitioner's Plot No.395 in Survey No.190/B14A4(190/B416) situated at Surapet Village, Ambattur Taluk, Tiruvallur District, based on the communication dated 21 May 2015 issued by the Tahsildar, Madhavaram.

3 As is evident from the aforestated prayer, the petitioner seeks a direction to the fifth respondent, viz., Chennai Corporation, to demolish the illegal construction put up by the sixth respondent. But, even according to the learned counsel for the petitioner, the petitioner has not addressed any representation to the fifth respondent. Without there being any representation having been made to the fifth respondent, we are afraid that the relief as sought by the petitioner cannot be granted.

In view of the foregoing, this writ petition fails and is accordingly dismissed. However, liberty is reserved to the petitioner to make an appropriate representation to the authority concerned and on such representation being made, the authority concerned is under an obligation to consider the same on its own merits and in accordance with law and take consequential decision, after affording an opportunity of hearing to the alleged encroacher. Costs made easy.

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Sd/
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

cad

To

1 The District Collector
Tiruvallur

2 The Tahsildar
Madhavaram
Tiruvallur District

3 The Managing Director
Metro Water Department
No.1, Pumping Station Road
Anna Salai,Chinthadripet,
Chennai 600 002

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Puzhal, Chennai 600 066

5 The Executive Engineer
Chennai Corporation - Zone 7
No.536, Ambattur
Chennai 600 053

+1 CC to M/s.Usha Raman Advocate. SR.NO.63721

+1 CC to Govt.Pleader. SR.NO. 63572

W.P. No.32773 of 2015

CO-NM

JD 09/12/2015

सत्यमेव जयते

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