

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.3659 of 2015

M. Senthil Athipan

Petitioner

Vs.

1 The Commissioner
Corporation of Chennai
Ripon Building
Park Town, Chennai 600 056

2 The Executive Engineer
Zonal Office VI
5, Anderson Road
Thiru. Vi. Ka. Road
Ayanavaram
Chennai 600 023

3 Thangaraj

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment by unauthorised construction put up by the third respondent in the middle of Chinnathambi Street, Kosapettai, Chennai, in front of Door No.49 belonging to the petitioner by protecting Chinnathambi Street always to be used as public street without any obstruction and unauthorised construction.

For petitioner ; Mr. R. Kannan

For RR 1 & 2 ;

Mr. R. Arunmozhi

Standing Counsel for Corporation

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ORDER

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

Mr. R. Arunmozhi, learned Standing Counsel, takes notice for the respondents 1 and 2. With the consent of the learned counsel for the petitioner and also the learned Standing Counsel for Chennai Corporation, the writ petition is taken up for final disposal at the admission stage itself.

2 The instant writ petition has been filed seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachment by unauthorised construction put up by the third respondent in the middle of Chinnathambi Street, Kosapettai, Chennai, in front of Door No.49 belonging to the petitioner, by protecting Chinnathambi Street always to be used as a public street, without any obstruction and unauthorised construction.

3 The learned counsel for the respondents 1 and 2 submitted a copy of the communication along with photographs stating that the encroachment on the construction in question has been removed on 10.02.2015. One more photograph, taken on 11.02.2015, has been produced before us by the learned counsel for the petitioner, wherefrom, it appears that one small portion has been left, wherein, an idol of Lord Vinayaka has been installed, after clearing the encroachment.

4 Thus, we deem it fit and proper to direct the authorities to remove the entire encroachment forthwith, after verifying as to whether the said construction is also on the pathway and after giving an opportunity of hearing to the third respondent, within a period of one week 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/-
Asst.Registrar

/true copy/
सत्यमेव जयते

Sub Asst. Registrar

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cad

To

1 The Commissioner
Corporation of Chennai
Ripon Building
Park Town, Chennai 600 056

2 The Executive Engineer
 Zonal Office VI
 5, Anderson Road
 Thiru. Vi. Ka. Road
 Ayanavaram
 Chennai 600 023

+1 CC TO MR.R.ARUNMOZHI ADVOCATE SR NO.7935.
+1CC TO MR.R.KANNAN ADVOCATE SR NO.7514.
+1 CC TO MR.G.ANANTHARANGAN ADVOCATE SR NO.7513.

W.P. No.3659 of 2015

KM[CO]
RD 21/2/15.



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