

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2015

CORAM:

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

W.P. No.36758 of 2015

V. Sanjay

Petitioner

Vs.

1 The Chairman/Member Secretary
Chennai Metropolitan Development
Authority
Thalamuthu Natarajan Maaligai
Egmore
Chennai 600 008

2 The Commissioner
Villivakkam Panchayat Union
Ambattur
Chennai 600 053

3 The President
Vanagaram I Grade Panchayat
Neelakanta Mudali Street
Vanagaram
Chennai 600 095

4 Selvaraj

5 Usha Rani

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 07.10.2015 and remove the unauthorised and illegal construction of the respondents 4 and 5.

For petitioner Dr. G. Krishnamurthy
for Mr. A. Thirumaran

For R1 Mr. K. Raja Srinivas,
Standing Counsel

For RR 2 & 3 Mr. N. Sakthivel, Govt. Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the first respondent. Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 2 and 3. Notice to respondents 4 and 5 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned Standing Counsel appearing for the first respondent and learned Government Advocate appearing for respondents 2 and 3, this writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner, alleging that the private respondents herein, who are his neighbours, encroaching the street belonging to the Government, have put up illegal construction therein sans any approval from the authorities concerned, has addressed a representation dated 07 October 2015 to the District Collector. Followed by that, on 12 October 2015 and 26 October 2015, he has addressed representations to the President, Vanagaram I Grade Panchayat and the Member Secretary, Chennai Metropolitan Development Authority, respectively, reiterating his aforesaid grievance. Since none of his representations has been acted upon, he has filed the instant writ petition seeking consideration of his representation dated 07 October 2015 and to remove the unauthorised and illegal construction put up by the private respondents.

3 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the officials respondents concerned to consider and pass orders on the petitioner's representations dated 07 October 2015, 12 October 2015 and 26 October 2015, on their own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Needless to state that the private respondents shall be afforded an opportunity of hearing, before taking any coercive action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

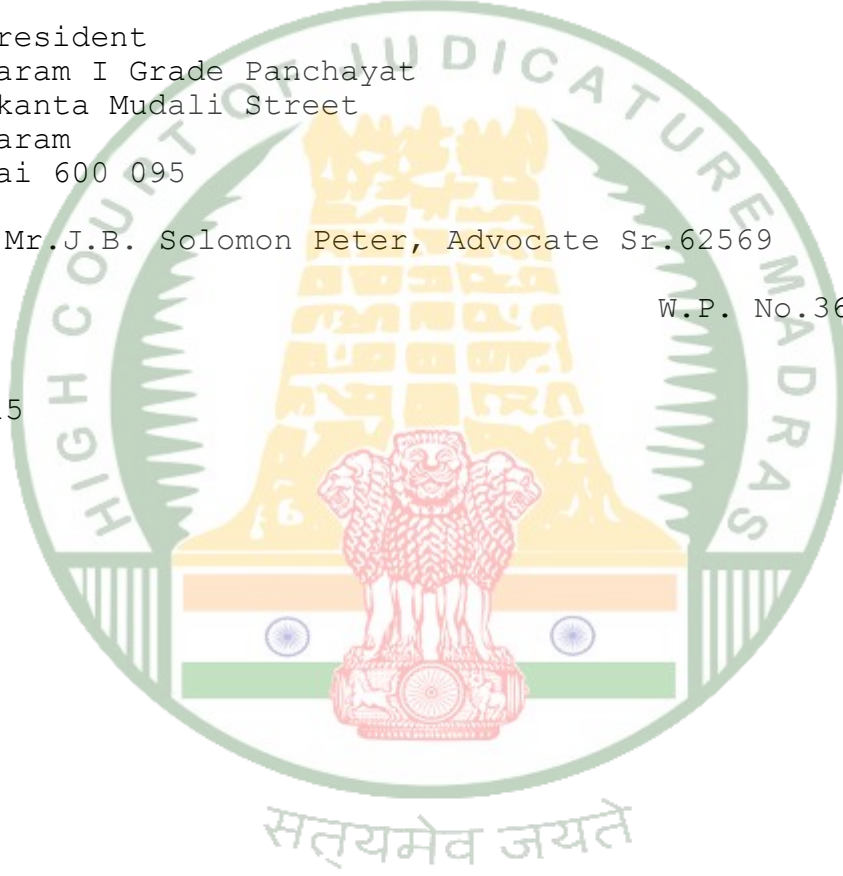
To

- 1 The Chairman/Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
Egmore
Chennai 600 008
- 2 The Commissioner
Villivakkam Panchayat Union
Ambattur
Chennai 600 053
- 3 The President
Vanagaram I Grade Panchayat
Neelakanta Mudali Street
Vanagaram
Chennai 600 095

+ 1 cc to Mr.J.B. Solomon Peter, Advocate Sr.62569

W.P. No.36758 of 2015

KGK(CO)
EU 09.12.15



WEB COPY