

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

CORAM:

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

W.P. No.39901 of 2015

K.M.Kannappan

Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
2. The Asst. Commissioner,
Area-VIII,
Corporation of Chennai,
Lake Area,
Valluvarkottam,
Chennai.
3. The Asst. Executive Engineer,
Corporation of Chennai,
No.8 Damodaran Street,
Gopalapuram, Chennai 600 086.
4. M. Ashraf

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second respondent to dispose of the representation of the petitioner dated 06.10.2015 within the stipulated period regarding the illegal construction in the property having New Door No.7, Old Door No.4, Gulam Abbas Alikhan 1st Street, Thousand Lights, Chennai.6 made by the fourth respondent.

For petitioner Mr. K. Shahul Hameed

For respondents Mr. A. Nagarajan R1 to R3

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. A. Nagarajan, learned counsel, accepts notice for the respondents 1 to 3. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 to 3, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a direction to the second respondent to consider the petitioner's representation dated 06 October, 2015 and pass orders for removal of the illegal construction.

3. The petitioner is stated to be the absolute owner of the property bearing New Door No.7, Old Door No.4, Gulam Abbas Alikhan 1st Street, Thousand Lights, Chennai.6. Alleging that the fourth respondent has made constructions illegally on the northern side of the petitioner's property including the pathway by creating a forged sale deed, the petitioner has addressed a representation dated 06 October 2015 to the respondents 1 to 3 to take necessary action but, there is no response till date. Thus, the instant writ petition for the aforestated relief.

4. Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the second respondent to consider the petitioner's representation dated 06 October 2015 and dispose of the same, on its own merits and in accordance with law and take consequential action thereafter. The entire exercise shall be carried out within a period of six weeks from the date of receipt of a copy of this order. Needless to state that no adverse action shall be taken without affording an opportunity of hearing to the alleged encroachers, including the fourth respondent herein.

5. With the above direction and observation, this writ petition stands disposed of. Costs made easy. Connected miscellaneous petition is closed.

ra

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

2. The Asst. Commissioner,
Area-VIII,
Corporation of Chennai,
Lake Area,
Valluvarkottam,
Chennai.

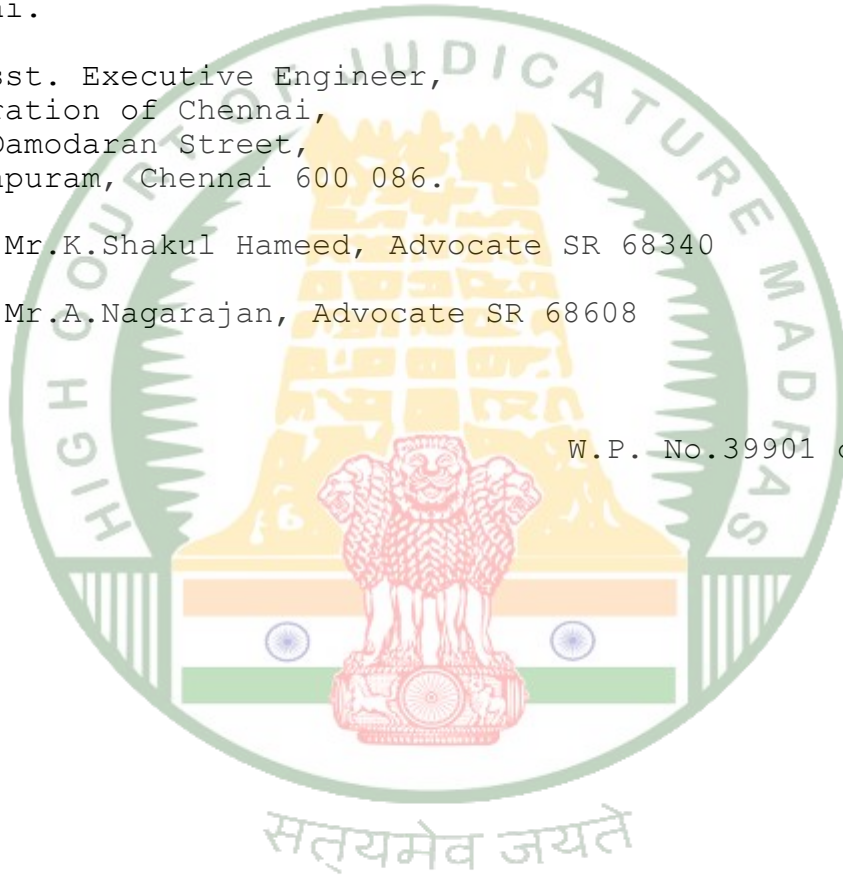
3. The Asst. Executive Engineer,
Corporation of Chennai,
No.8 Damodaran Street,
Gopalapuram, Chennai 600 086.

+ 1 cc to Mr.K.Shakul Hameed, Advocate SR 68340

+ 1 cc to Mr.A.Nagarajan, Advocate SR 68608

lrs(co)
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