

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.604 of 2015

PPR. Hariharan

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 Savithri Veeraragavan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 27.06.2014 and dispose of the same on merits and in accordance with law.

For petitioner Mr. S. Arivazhagan

For R1 Mr. A. Nagarajan

ORDER

Mr. A. Nagarajan, learned counsel, takes notice for the first respondent. It is not necessary to issue notice to the second respondent as it is a case of only consideration of the petitioner's representation and no decision can be taken on the said representation without affording an opportunity of hearing to the second respondent. Thus, we are passing this order at the admission stage itself, without issuing notice to the second respondent.

2 The only relief sought in this writ petition is a direction to the first respondent to consider and dispose of the petitioner's representation dated 27.06.2014, wherein, it is alleged that some land grabbers, including the second respondent herein, have encroached upon the land in Plot No.5/10, Redhills

Road, Villivakkam, Chennai 600 049 and constructed a temple therein unauthorisedly, thereby, blocking the passage used by the public.

3 The contention of the learned counsel for the petitioner is that despite representation dated 27.06.2014 having been addressed to the first respondent and even after efflux of a reasonable time, the first respondent has failed to perform his statutory obligation. Thus, a direction be issued accordingly to the first respondent to do the needful in accordance with law.

4 The learned counsel for the first respondent-Corporation would submit that if the said representation is pending consideration, the same will be examined and necessary steps will be taken in accordance with law and on its own merits, to remove the unauthorised construction as well as encroachment, if on enquiry, it is found.

5 Needless to state that any action taken has to be subject to a proper opportunity of hearing to the alleged encroachers, including the second respondent.

6 The writ petition stands disposed of in the above terms. Costs made easy.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

1 cc to Mr.S. Arvazhagan, Advocate, Sr. 1805
1 cc to Mr.A. Nagarajan, Advocate, Sr. 1580

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RJ (CO)
kk 27/1