

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM:

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

W.P. No.5232 of 2015 and M.P. No.1 of 2015

Malathi Sivaraman

Petitioner

Vs.

1 The Commissioner of Chennai Corporation
Chennai Corporation Office
Ripon Building, Chennai

2 The Executive Engineer
Zone - VI
Corporation of Chennai
Ayanavaram
Chennai 600 023

3 The Assistant Engineer
Corporation of Chennai
Ward 75, Thiru Vi Ka Nagar
Chennai 600 082

4 Sadagopan

5 Mohan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove and demolish as per law, the unauthorised construction carried out by the fourth and fifth respondents at Door No.17, Edward Park Street, Kuyapet, Chennai 600 012.

For petitioner Mr. J. Suresh
For RR 1-3 Mr. G. Anantharangan

ORDER

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

The petitioner is stated to be a resident of Edward Park Street, Kuyapet, Chennai 600 012. It is alleged by her that respondents 4 and 5 are proceeding with unauthorised construction

leading to encroachment to the extent of 2½ feet of the street space, causing obstruction and hindrance to the people as well as regular traffic in the area.

2 The petitioner had already brought the above said alleged encroachment to the notice of the third respondent vide representations dated 14.12.2014 and 06.01.2015. Despite those representations, no action has been initiated by the authorities. Hence, this writ petition, seeking a direction to the official respondents to remove and demolish as per law, the unauthorised construction carried out by the private respondents at Door No.17, Edward Park Street, Kuyapet, Chennai 600 012.

3 In response to the notice ordered by this Court on 06.03.2015, the second respondent has filed a counter affidavit dated --.03.2015 and also the action taken report dated 13.04.2015.

4 It is stated in the action taken report that the authorities have already measured the Edward Park Lane as per the sketch in the presence of the petitioner and it was found that the staircase constructed by the private respondents and also a borewell dug by the fourth respondent had encroached upon Edward Park Street. The authorities have now taken action to demolish the unauthorised construction carried out by the private respondents and in this regard, a stop work notice also has been issued on 16.03.2015. The respondents will take further steps in accordance with law to ensure that there is no unauthorised construction in the street in question.

5 In view of the above stand taken by the second respondent, we direct that necessary steps shall be taken by the official respondents within a period of four weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Commissioner of Chennai Corporation
Chennai Corporation Office
Ripon Building, Chennai

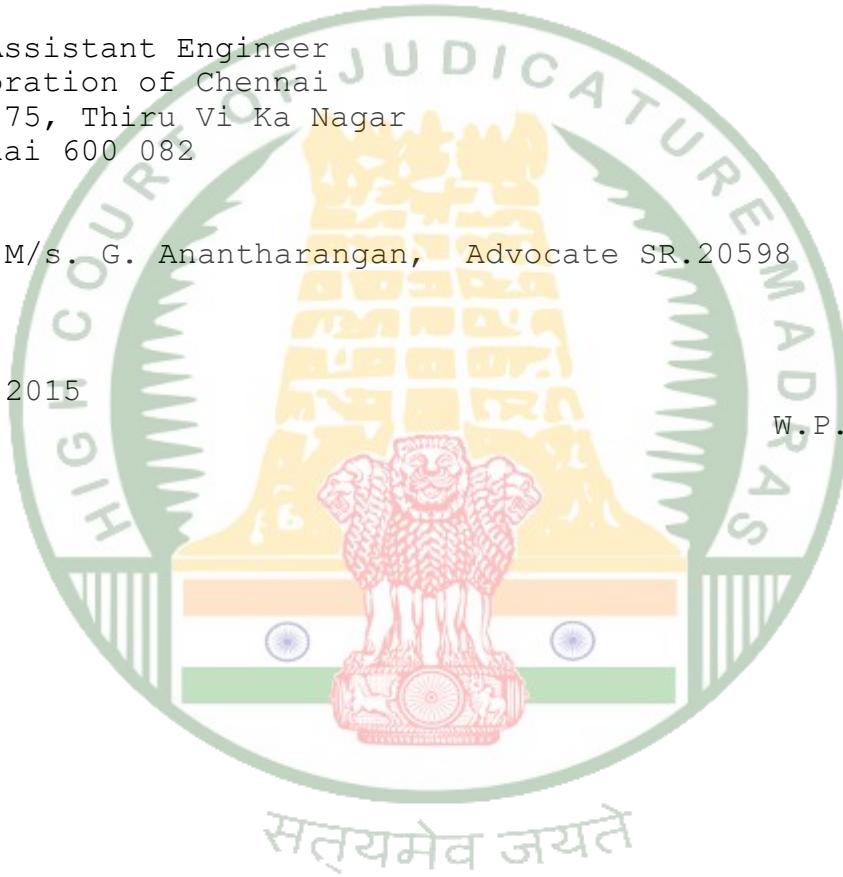
2 The Executive Engineer
Zone - VI
Corporation of Chennai
Ayanavaram
Chennai 600 023

3 The Assistant Engineer
Corporation of Chennai
Ward 75, Thiru Vi Ka Nagar
Chennai 600 082

+ 1 cc to M/s. G. Anantharangan, Advocate SR.20598

SAI (CO)
EU 24.04.2015

W.P. No.5232 of 2015



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