

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.20401 of 2014

Dr.Rana Syad Yusuf Bakthiyar ... Petitioner

vs.

1. The Director General of Defence Estates
Raksha Sampada Bhavan
Ulaanbaatar Marg
Delhi Cantonment, New Delhi.
2. The General Officer Commanding In Chief
Defence Estates, Southern Command
Manekji Mehta Road, Pune.
3. The Principal Director
Defence Estates, Southern Command
Manekji Mehta Road, Pune-411001.
4. The Defence Estates Officer
Madras Circle, 306, Anna Salai
Teynampet, Chennai-18.
5. The President
St. Thomas Mount cum Pallavaram
Cantonment Board
St. Thomas Mount, Chennai-16.
6. The Chief Executive Officer
St. Thomas Mount cum Pallavaram
Cantonment Board
St. Thomas Mount, Chennai-16.
7. Prabhakaran
8. A.Maria Philomi
9. P.A.Mangalam

10.The Commissioner of Police
Chennai City Police
Egmore, Chennai-8.

11.The Director
The Central Bureau of Investigation
Plot No.5, CGO Complex
Lodhi Road, Delhi-110003.

12. The Joint Director and Head of the Zone
Central Bureau of Investigation
III Floor, E.V.K. Sampath Building
College Road, Chennai-6.

13. The Assistant Engineer
Tamil Nadu Electricity Board
Pallavaram, Chennai. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to directing the 1st respondent to initiate action against the unauthorized constructions and encroachments in all the 7 wards of the St. Thomas Mount cum Pallavaram Cantonment Board and further issue directions to the 1st respondent to initiate appropriate action against the erring officials who are responsible for encroachments and unauthorized constructions.

For Petitioner : Mr.M.Nandhakumar
For Respondents : Mr.G.Masilamani
Senior Counsel
for Mr.C.Mohan
of M/s.King & Partridge
for respondents 5 to 7

सत्यमेव जयते
Dr.Fr.A.Xavier Arulraj
Senior Counsel
for Mr.A.Arulmary
for 8th respondent

WEB COPY
Mr.Venkatasamy Babu
for respondents 1 to 3

MR.S.K.Rameshwar
for 13th respondent

No appearance
Not ready Notice
for respondents 4, 9 to 12

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner seeks action against the unauthorized constructions and encroachments in all the seven wards of the St.Thomas Mount cum Pallavaram Cantonment Board.

2. The report filed by the Chief Executive Officer of the Cantonment Board/sixth respondent gives credence to the allegation of the petitioner of a number of encroachments, unauthorized constructions and misusers. We are really surprised that all this should have escaped the attention of the Cantonment Board and such violations should have been permitted to be made and then continued.

3. We are of the view that the following directions be issued:

- (i) The sixth respondent to act against all such encroachments, unauthorized constructions and misusers in accordance with law and endeavour to conclude proceedings within three months;
- (ii) An enquiry be held as to why such rampant encroachments have been lying undetected and responsibility be fixed on officers concerned, which should be proceeded against departmentally.
- (iii) The suits and statutory appeals be expeditiously disposed of, i.e., not later than three months from the date of this order being brought to their notice in the case of statutory appeals and not later than six months from the date of this order being brought to their notice in the case of suits.

4. The petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 to 3 of 2014 are closed.

In order to ensure the action, we consider it appropriate to monitor the matter. List for compliance on 17.2.2017.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

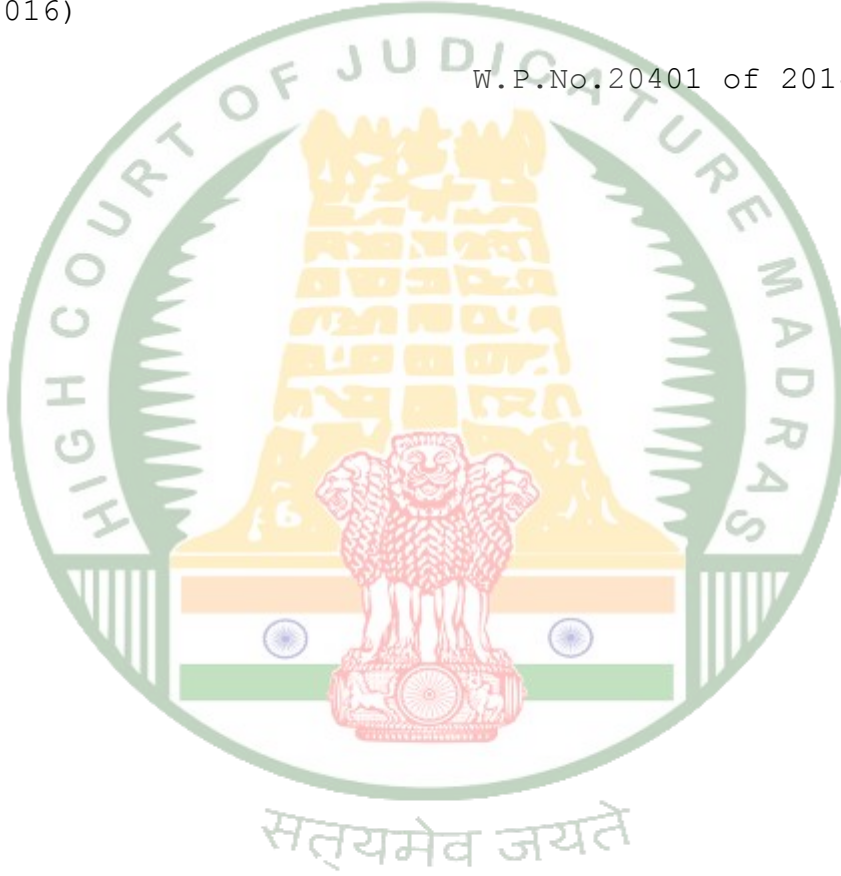
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10 The Assistant Engineer
Tamil Nadu Electricity Board,
Pallavaram, Chennai

+2cc to Mr.Nandakumar, Advocate, S.R.No.68194
+1cc to Mr.King & Partridge, Advocate, S.R.No.67950
+2cc to M/s. A. Arul Mary, Advocate, Sr.No.68030
+1cc to M/s. Venkataswamy, Advocate Sr.No.68248

mv (CO)
md(02/12/2016)

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