

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.13676 of 2014

S.Kanchana

.. Petitioner

-vs-

- 1.The Commissioner,
Corporation of Chennai.
- 2.Executive Engineer,
Zone-7, Ambattur,
Chennai-600 053.
- 3.Murugan
- 4.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008. ... Respondents

(Respondent No.4 impleaded as per
this order)

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to remove the encroachment in AIBEA Nagar, Mogapair West, Chennai-37 on the road built by third respondent.

For Petitioner : M/s.A.Meenakshi Sundaram

For Respondents : Mr.K.Soundararajan for R1 & R2
Mr.N.Sampath for R4

ORDER

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

In view of the counter-affidavit filed by the first two respondents, we direct impleadment of the Member Secretary, Chennai Metropolitan Development Authority, No.1, Gandhi Irwin Road, Egmore, Chennai-600 008 as respondent No.4. Memo of parties be amended accordingly. Mr.N.Sampath, learned counsel accepts notice for respondent No.4.

2. The petitioner alleges encroachment on a common passage by respondent No.3 and others. It is the stand of the Corporation that the road in question is not a Corporation road. But the layout plan issued by the Chennai Metropolitan Development Authority does show the area as pathway. The Corporation seeks to pass on the burden of clearance of the road to the Chennai Metropolitan Development Authority, while the learned counsel for Chennai Metropolitan Development Authority states that it is the responsibility of the Corporation. The disputes relate to 40 feet road and 10 feet passage.

3. We thus direct both the Corporation and the Chennai Metropolitan Development Authority officials to sit together and take a call on the issue as to who has to take necessary action to clear the encroachment and bring the area in accordance with the layout plan. In case any encroachment is found, action in accordance with law be taken with notice to all concerned.

4. The aforesaid exercise be concluded within a maximum period of three months of the receipt of the copy of this order with intimation to the petitioner.

5. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Corporation of Chennai.

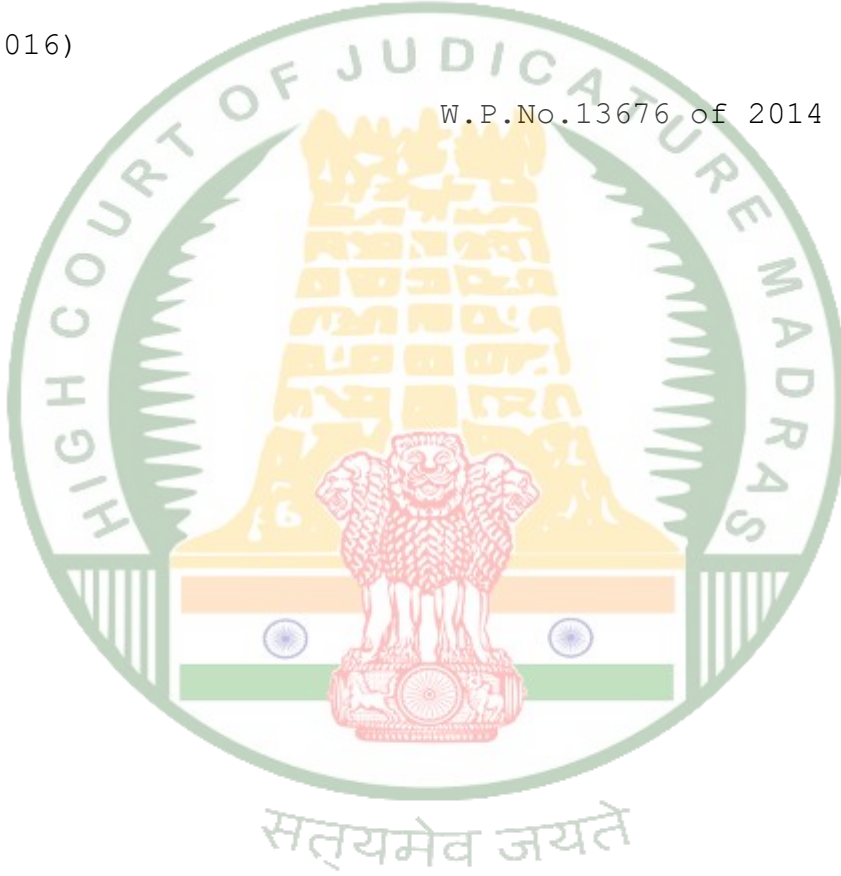
2.Executive Engineer,
Zone-7, Ambattur,
Chennai-600 053.

3.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1cc to Mr.K. Soundarajan, Advocate, S.R.No.68334
+1cc to Mr.N. Sampath, Advocate, S.R.No.67820
+1cc to Mr. A.Meenakshi Sundaram, Advocate Sr.No.67731

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md(20/12/2016)

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