

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16186 of 2016

Dr. S. Rajeswari

[PETITIONER]

Vs

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Executive Officer
Corporation of Chennai
Zone VII, Shenoy Nagar
Chennai 600 030.

[RESPONDENTS]

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to remove the pipes put up on petitioner land bearing Plot No.19, Nehru St, Choolaimedu, Chennai 600 094.

For Petitioner : Mr.A.K.Sriram
for M/s A.S.Kailasam & Asso.

For Respondents : Mr.P.V.Selvakumar R1 and R2

O R D E R

Heard Mr.A.K.Sriram, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Standing Counsel appearing for the respondents. By consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.In this Writ Petition, the petitioner seeks for issuance of a writ of mandamus to direct the respondents to remove the pipes put up her petitioner land bearing Plot No.19, Nehru St, Choolaimedu, Chennai 600 094.

3.According to the petitioner, during the recent floods, since there were water stagnation in the area, the Corporation Officials requested the petitioner's permission to dig a

temporary channel to drain the excess water. Since, that was only as a temporary measure, the petitioner agreed for the same. However, now the respondent Corporation have put up a PVC Pipe, broken the petitioner's compound Wall and through the Wall, they have drawn the Pipe leading to the manhole. This according to the petitioner is illegal and has to be immediately removed.

4. If the facts stated by the petitioner are correct, then obviously, the action of the second respondent is illegal. If the petitioner is the owner of the said extent of land, without the permission and without resorting to due process of law, the respondent Corporation could not have drawn Pipelines, that too by breaking the compound wall.

5. In the light of the above, there will be a direction to the second respondent to consider the petitioner's representations dated 08.03.2016 and 22.4.2016, conduct an inspection of the area in the presence of the petitioner or her authorised representative and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

r p a

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003

2 The Executive Officer
Corporation of Chennai
Zone VII, Shenoy Nagar
Chennai 600 030.

+ 1 cc to M/s.A.S.Kailasam & Associates, Advocate SR 26872

+ 1 cc to Mr.P.V.Selvakumar, Advocate SR 27756

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