

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.17227 of 2016

Dr.Chandrasekaran .. Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Ripon Building, Park Town
Chennai 600 003.

2. The Zonal Officer
Corporation of Chennai
Zone 13, Adyar
Chennai 600 020.

3. The Assistant Engineer
Corporation of Chennai
Zone 13, Five Furlong Road
Maduvankarai, Guindy
Chennai 600 032.

4. Arulmighu Lokavinayakar Thirukoil
rep. by its Fit Person/Executive Officer
Maduvankarai
Guindy, Chennai 600 032.

5. Ponmudi .. Respondent

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 3 herein to forthwith stop the illegal construction put up by the fifth respondent in the fourth respondent property comprised in Survey No.98, Block No.6, T.S.No.23, Maduvankarai, Guindy, Chennai 600 032.

For Petitioner :Mrs.AL.Ganthimathi

For Respondents 1 to 3:Mr.A.Nagaraj, Standing Counsel

O R D E R

(Made by Huluvadi G.Ramesh,J)

The petitioner has come up with the above writ petition seeking a direction to the respondents 1 to 3 to stop illegal construction by the fifth respondent in the property comprised in S.No.98, Block 6, TS No.23, Maduvinkarai, Guindy, Chennai 32.

2. Heard Mrs.AL.Ganthimathi, learned counsel for the petitioner and Mr.A.Nagaraj, learned Standing Counsel for the respondents 1 to 3.

3. The petitioner is a Trustee of Sri Logavinayagar Temple, fourth respondent. According to him, the land in question belongs to the fourth respondent temple. The fifth respondent has encroached into the said property on the basis of a forged document. The fourth respondent has filed a suit for recovery of vacant possession arraying the fifth respondent as one of the parties and the same is pending. In the meantime, the fifth respondent started construction in the said property, without any approved plan. The fourth respondent made a representation to the third respondent not to sanction the plan and also to stop the construction. Even the petitioner made a representation to the respondents 1 to 3 on 18.4.2016. As no action was taken on the said representation, the petitioner has come up with the above writ petition.

4. The second respondent has filed a report as to the action taken by him. In the said report, it is stated that the land in question belongs to HR & CE Department and that the fifth respondent has commenced construction without obtaining planning permission from the competent authority. It is further stated that the Junior Engineer of Division 174 inspected the said place and instructed to stop the construction activities. It is also stated that legal action has been initiated under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 and a stop work notice was also issued on 26.5.2016 and now, the construction is stopped.

5. Recording the statement made in the action report filed by the second respondent that the construction has been stopped now, this writ petition is disposed of. We make it clear that if the petitioner has any grievance as to the ownership and encroachment of the land in question, he is at liberty to seek appropriate relief before the civil Court. There shall be no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Commissioner
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3. The Assistant Engineer
Corporation of Chennai
Zone 13, Five Furlong Road
Maduvankarai, Guindy
Chennai 600 032.

+1cc to Mr.A. Nagaraj, Advocate, S.R.No.32082
+1cc to Mr.AL. Ganthinathan, Advocate, S.R.No.31837
+1cc to the Government Pleader, S.R.No.32297

RSI(CO)
EU(12/07/2016)

W.P.No.17227 of 2016.