

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.35525 of 2015

and

M.P.Nos.1 & 2 of 2015

Dr.K.Rajesh Kumar .. Petitioner

-vs-

- 1.The Commissioner,
Corporation of Chennai,
Chennai-600 003.
 - 2.The Regional Deputy Commissioner - Central,
Corporation of Chennai,
Shenoy Nagar,
Chennai-600 030.
 - 3.The Executive Engineer,
Zone - VI,
Corporation of Chennai,
Ayanavaram, Chennai-600 023.
 - 4.The President,
Madras Secretariat Co-operative Building
Society Limited, No.X - 370,
having office at No.144, Third Street,
Secretariat Colony,
Kilpauk, Chennai-600 010.
 - 5.The Tahsildar,
Ayanavaram,
Chennai.
 - 6.The Taluk Surveyor,
O/o The Tahsildar,
Ayanavaram,
Chennai.
- (Respondent Nos.5 & 6 suo-motu impleaded
as per this order dt. 07.11.2016)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records pursuant to the order in R.D.C.(C)/Legal 036/Inquiry/2015 passed by the second respondent dated 16.10.2015 and to quash the same.

For Petitioner : Mr.S.Thiruvengadam
For Respondents : Mr.V.C.Selvasekaran for R1 to R3
Mr.Jasmine Padma for R4
Mr.M.K.Subramanian
Govt. Pleader for R5 & R6

ORDER

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

On hearing the learned counsel for parties, it is quite apparent that whether it be the allegation of encroachment against the petitioner or others, the question is whether they have come on to road area. The measurement of the road is thus in question.

2. In the counter-affidavit filed by the Executive Engineer, Zone-I, Chennai Corporation/respondent No.3, it is stated that in order to avoid any further litigation or dispute, it becomes necessary to have the measurement carried out under the supervision of the Tahsildar, by the Taluk Surveyor.

3. We implead the Tahsildar, Ayanavaram, Chennai and the Taluk Surveyor, O/o The Tahsildar, Ayanavaram, Chennai as respondent Nos.5 and 6 in the present petition. Memo of parties be amended accordingly.

4. Mr.M.K.Subramanian, learned Government Pleader accepts notice for respondent Nos.5 and 6.

5. It is directed that the measurement be carried out in respect of Baracca Road and demarcation be made to facilitate the Corporation to remove the encroachment in the road, if any, in respect of the property adjacent to the road. Necessary action be undertaken within a period of three months of the receipt of the copy of this order.

6. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Corporation of Chennai,
Chennai-600 003.
- 2.The Regional Deputy Commissioner - Central,
Corporation of Chennai,
Shenoy Nagar,
Chennai-600 030.
- 3.The Executive Engineer,
Zone - VI,
Corporation of Chennai,
Ayanavaram, Chennai-600 023.
- 4.The Tahsildar,
Ayanavaram,
Chennai.
- 5.The Taluk Surveyor,
O/o The Tahsildar,
Ayanavaram,
Chennai.

+1cc to Mr.S. Thiruvengadam, Advocate, S.R.No.64066

+1cc to Mr.L. Chandrakumar, Advocate, S.R.No.63615

+1cc to the Government Pleader, S.R.No.63902

mv (CO)

md (15/11/2016)

W.P.No.35525 of 2015

सत्यमेव जयते

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