

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.22375 of 2009

and

M.P.No.1 of 2009

Sri Sema Sidhi Buthi Vinayagar
Baktha Jana Sabha,
A Registered Society,
rep. by its Secretary K.M.Elumalai,
No.17/59, Srinivasan Nagar,
II Street, Koyambedu,
Chennai-600 107. .. Petitioner

-vs-

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

2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.M.Dhanasekaran .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to ensure the safety of the land duly earmarked as park within the approved lay out namely 135 of 1988 Semathamman Nagar, Section III, comprised in Survey No.120/1, situated at Village No.106, Koyambedu village and thus see that the land is free from encroachment from any quarters inclusive of the third respondent.

For Petitioner : Mr.D.Ashok Kumar
For Respondents : Mr.N.Sampath for R1 & R2

ORDER

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

The grievance of the petitioner is that the encroachments are taking place on the land earmarked as park within the approved layout namely 135 of 1988, Semathamman Nagar, Sector III, comprised in Survey No.120/1 situated at Village No.106, Koyambedu village and thus, the park should be cleared and maintained for the benefit of the residing public.

2. On our query, the learned counsel for the petitioner states that the position has not improved despite lapse of almost seven years.

3. We direct the Chennai Metropolitan Development Authority to cause an inspection to be made in the park area within fifteen days from the date of receipt of the copy of this order and to ensure encroachment free area for the benefit of the citizens by taking necessary action, if encroachments are found. The action be completed within a period of two months of the inspection after notice to all concerned in accordance with law.

4. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2009 is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

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

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2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1cc to Mr.D. Ashok Kumar, Advocate, S.R.No.64120
+1cc to Mr.N. Sampath, Advocate, S.R.No.63494
+1 cc Government Pleader, Sr.No.63901

arv (CO)
md (15/11/2016)

W.P.No.22375 of 2009



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