

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM

THE HON'BLE MR. JUSTICE **SATISH K. AGNIHOTRI**
and
THE HON'BLE MR. JUSTICE **M.VENUGOPAL**

W.P. No.38881 of 2015

John Alfred rep. by its
Power Agent M.Sekaran

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Petitioner

Vs.

1.The District Collector,
Singaravelar Maligai,
Rajaji Salai, Chennai - 1.

2.The Commissioner,
Corporation of Chennai,
Ripon Building,
Periamet, Chennai - 3.

3.The Member Secretary,
CMDA, Egmore, Chennai - 8.

4.The Asst. Engineer,
Zone - 13, Chennai Corporation,
Adayar, Chennai - 20.

5.The Tahsildar,
Velachery Taluk,
Velachery, Chennai - 42.

6.Manivannan

7.Vairamuthu

8.Rajamanickam

9.Arul

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Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 5 to measure 30 feet road and park which lie in Survey No.317/1 part situated at Bhuvaneshwari Nagar in approved Lay Out No.LPDM/DTP No.16/1973 at Velachery, Chennai and remove encroachment and restore 30 feet road and park from encroacher respondents 8 and 9 in this writ petition.

For Petitioner .. Mr.N.Rajendran

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1 and R5
Mr.V.C.Selvasekaran for R2 and R4
Mr.K.Raja Srinivas for R3

ORDER

(Order of the Court was made by **SATISH K.AGNIHOTRI, J.**)

Ms.A.Srijayanthi, learned Special Government Pleader accepts notice on behalf of respondents 1 and 5. Mr.V.C.Selvasekaran, learned Standing Counsel accepts notice on behalf of respondents 2 and 4 and Mr.K.Raja Srinivas, learned Standing Counsel accepts notice on behalf of the third respondent. With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2.This writ petition is filed, seeking a direction to the official respondents to measure 30 feet road and the park, which lie in Survey No.317/1 part situated at Bhuvaneshwari Nagar in approved Lay Out No.LPDM/DTP No.16/1973 at Velachery, Chennai, remove the encroachment and restore 30 feet road and park from encroachers/respondents 8 and 9.

3.The grievance of the petitioner is that 30 feet road and park situated in Survey No.317/1 Part, Bhuvaneshwari Nagar, Velachery, Chennai, are under encroachment. Thus a direction be issued to the competent authority to survey the park and restore 30 feet road and also remove the encroachment thereon.

4.The third respondent/Chennai Metropolitan Development Authority, had filed a response stating therein that it is the responsibility of the Corporation of Chennai to ensure that the road and the park remain unencroached.

5.Mr.V.C.Selvasekaran, learned Standing Counsel appearing for respondents 2 and 4/Corporation of Chennai, submits that proper inspection and survey of the area in question will be made by the

authorities, after issuing notice to the petitioner as well as other concerned persons, who have allegedly caused encroachment in the park as well as on the road. On inspection and survey made by the competent officials, if it is found that there is encroachment on the road as well as in the park, the same will be removed within a period of four weeks from today in accordance with law and on its own merits and the compliance report will be furnished within a period of one week thereafter.

6.In view of the above submission made by the learned Standing Counsel for respondents 2 and 4/Corporation of Chennai, it is ordered accordingly.

7.With the aforestated observations, the writ petition stands disposed of. No costs.

8.For filing compliance report, list the matter on 16.03.2016.

(SATISH K.AGNIHOTRI,J.) (M.VENUGOPAL J.)

10 February 2016

Index:Yes/No
mmi

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**SATISH K.AGNIHOTRI, J.
and
M.VENUGOPAL, J.**

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