

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.23887 of 2016
and WMP.No.20487 of 2016

Dr.A.K.D.Kumar

...Petitioner

Vs.

1 The Commissioner
Corporation of Chennai
Rippon Buildings
Park Town,
Chennai-600 003

2 The Assistant Executive Engineer
Division NO.45, Zone-15
Corporation of Chennai
Sholinganallur
Chennai-600 119

3 The Tahsildar
Office of the Tahsildar
Sholinganallur
Chennai-600 119

4 M.M.Shanmugam

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records on the file of the second respondent herein in proceeding Ma Au 15 Na Ka No.02309/ 2016 dated 27.06.2016 and quash the same.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.A.Nagarajan for R1 & R2
Mrs.A.Sri Jayanthi
Special Government Pleader for R3

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.S.Rajasekar, learned counsel for the petitioner, Mr.A.Nagarajan, who accepts notice for respondents 1 and 2 and Mrs.A.Srijayanthi, learned Special Government Pleader, who accepts notice respondent No.3/The Tahsildar, Sholinganallur.

2. This Writ Petition is filed praying to quash the proceedings of the second respondent dated 27.06.2016.

3. By the impugned proceedings dated 27.06.2016, the second respondent, on the basis of a representation submitted by one Shanmugam/4th respondent herein, stated to have conducted a survey and found that 40 feet road has been encroached by the petitioner herein and further by the said notice, called upon the petitioner as to why the said encroachment should not be demolished. Further, by the impugned notice, the second respondent, asked for an explanation from the petitioner with substantiating documents, if any.

4. The learned counsel for the petitioner submits that the survey has been conducted behind the back of the petitioner and in respect of the said issue, the petitioner has given a representation dated 08.07.2016 to the second respondent. The learned counsel thus made a residual prayer for a direction to the authorities concerned to consider the said representation and make fresh survey and pass necessary orders thereafter.

5. After hearing the learned counsel on either side, we hereby direct the 2nd respondent, to consider the representation of the petitioner dated 08.07.2016, which may be treated as explanation to the notice dated 27.06.2016, and thereafter, once again, conduct fresh survey in the presence of the petitioner and pass fresh orders, within two months from the date of receipt of a copy of this order. Till then, status quo as on date shall be maintained.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently connected MP is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

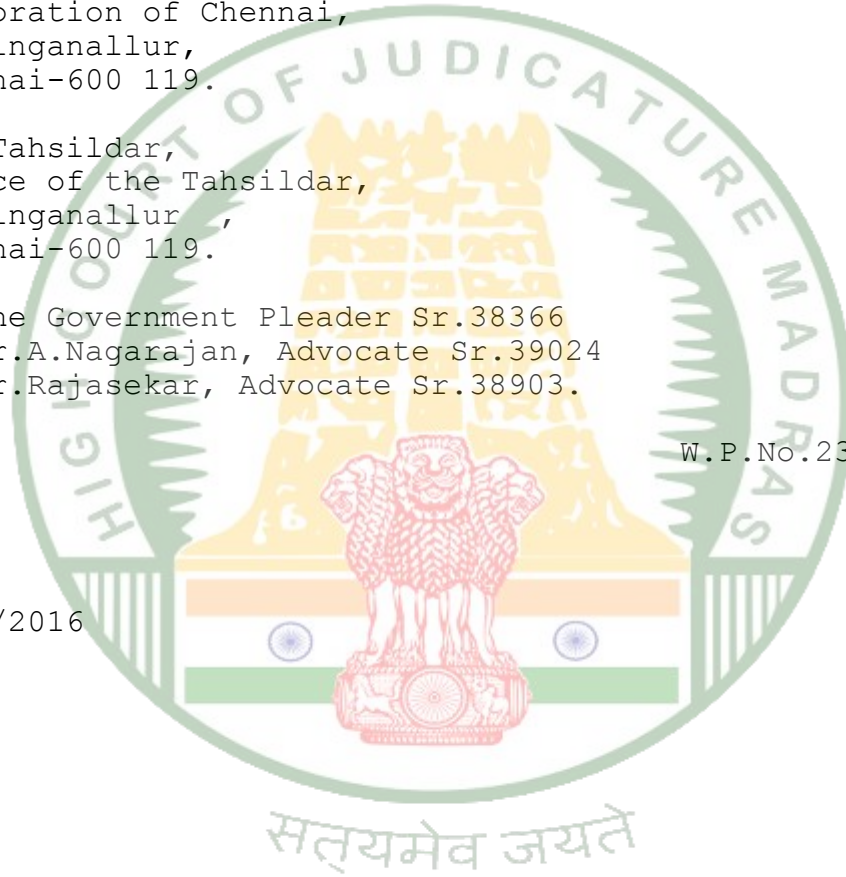
To

- 1 The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town,
Chennai-600 003.
- 2 The Assistant Executive Engineer,
Division NO.45, Zone-15 ,
Corporation of Chennai,
Sholinganallur,
Chennai-600 119.
- 3 The Tahsildar,
Office of the Tahsildar,
Sholinganallur ,
Chennai-600 119.

+1cc to the Government Pleader Sr.38366
+1cc to Mr.A.Nagarajan, Advocate Sr.39024
+1cc to Mr.Rajasekar, Advocate Sr.38903.

W.P.No.23887 of 2016

kji[co]
srg 22/07/2016



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