

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.24585 of 2016

N.Jayakodi

.. Petitioner

-vs-

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003

2. Zonal Officer-Zone XI
Chennai Corporation
(Valasaravakkam)
No.33, Arcot Road
Valasaravakkam
Chennai 600 087

3. M.Narayanan

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the first
respondent to dispose of the representation dated 25.04.2016
made by the petitioner to initiate necessary action against the
wrong doer and to remove the encroachment in the public pathway
within a time frame.

For Petitioner :: Mr.R.Karthikeyan

For Respondents:: Mr.A.Nagarajan for R1 & R2

ORDER

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

The petitioner seeks for issuance of a writ of mandamus,
directing the first respondent to dispose of his representation
dated 25.04.2016 to initiate necessary action against the wrong
doer and to remove the encroachment in the public pathway within
a time frame.

2. Heard the learned counsel for the petitioner.

3. Alleging that the third respondent has put up a compound wall on the pathway, the petitioner is before this Court making the Corporation as a party. It appears that the third respondent had approached the civil Court and obtained an order of status quo against the petitioner without impleading the Corporation as a party. Since the petitioner now seeks to implead the Commissioner, Corporation of Chennai and the concerned Zonal Officer as parties in the pending proceedings before the civil Court, he can very well seek for vacation of the status quo order before the civil Court. In this regard, the civil Court shall consider the case of the petitioner to implead the Commissioner, Corporation of Chennai and his subordinate officer as parties in the proceedings pending between him and the third respondent and the order of status quo be reconsidered by the civil Court in the light of the submissions to be made by the petitioner as well as the Corporation, after getting the Corporation being impleaded as a party in the said proceedings. The Corporation shall take all steps to file their objections to remove the compound wall/encroachment in the place in question, if it is built in violation of the building plan and the rules. The petitioner is also at liberty to press for early disposal of the matter before the civil Court. With this observation, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Commissioner
Corporation of Chennai
Rippon Buildings Chennai 600 003
 2. The Zonal Officer-Zone XI
Chennai Corporation
(Valasaravakkam) No.33, Arcot Road
Valasaravakkam Chennai 600 087
- 1 cc to R.Karthikeyan, Advocate, sr.40266
1 cc to Mr.A.Nagarajan, Advocate, sr.40151

W.P.No.24585 of 2016

msm co
kra 04.08.2016