

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

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

Writ Petition No.26963 of 2016
and WMP.No.23182 of 2016

B.Mohan Kumar

...Petitioner

Vs.

1. The Regional Deputy Commissioner,
Regional Office (Central)
Greater Chennai Corporation,
No.36B, Pulla Avenue, Shenoy Nagar,
Chennai- 600 030.

2. The Executive Engineer,
Greater Corporation of Chennai,
Zonal Office- X, No.117, N.S.K. Salai,
Kodambakkam,
Chennai- 600 024.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for records in Notice issued under Section 220 read with Section 222 of the Chennai City Municipal Corporation Act, 1919 dated 23.07.2016 on the file of the second respondent and to quash the same as illegal, incompetent and wholly without jurisdiction.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents : Mr.R.Arunmozhi

O R D E R

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

Heard Mr.V.Lakshmi Narayanan, learned counsel for the petitioner and Mr.R.Arunmozhi, learned Standing counsel, who accepts notice on behalf of respondents 1 and 2.

2. Challenging the notice dated 23.07.2016 issued by the second respondent, the present writ petition came to be filed by the petitioner.

3. On a perusal of the show cause notice dated 23.07.2016 issued by the 2nd respondent, it is seen that the petitioner is said to have encroached the road mentioned in the notice which originally belongs to the Corporation of Chennai and the same is entitled to be removed under Sections 220 and 222 of the Chennai City Municipal Corporation Act of 1919 and further requested the petitioner herein to remove the said encroachment within 7 days from the service of notice.

4. According to the learned counsel for the petitioner, the property mentioned in the notice is an ancestral property of the petitioner and the petitioner's family is in possession for the past 60 years and they obtained license for running a Tailoring Shop therein. Learned counsel for the petitioner further submits that the petitioner had given a reply/representation on 23.03.2016 to the 1st respondent herein stating that he is in continuous and uninterrupted peaceful possession of the property.

5. We have anxiously considered the submissions made by the learned counsel for the petitioner and the documents placed before this court. Since the petitioner had filed reply dated 23.03.2016 to the Notice issued by the 2nd respondent, it is for the 1st respondent to consider the same, hold enquiry and after affording sufficient opportunity to the petitioner to substantiate his claim and verification of such documents, pass necessary orders in accordance with law, within one month from the date of receipt of a copy of this order. It is made clear that all the contentions are left open to the petitioner to be agitated before the 1st respondent. Till such orders are passed, status quo shall be maintained by the parties.

6. The Writ Petition is disposed of with the above observation. No costs. Consequently, connected WMP is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Regional Deputy Commissioner,
Regional Office (Central)
Greater Chennai Corporation,
No.36B, Pulla Avenue,
Shenoy Nagar,
Chennai- 600 030.

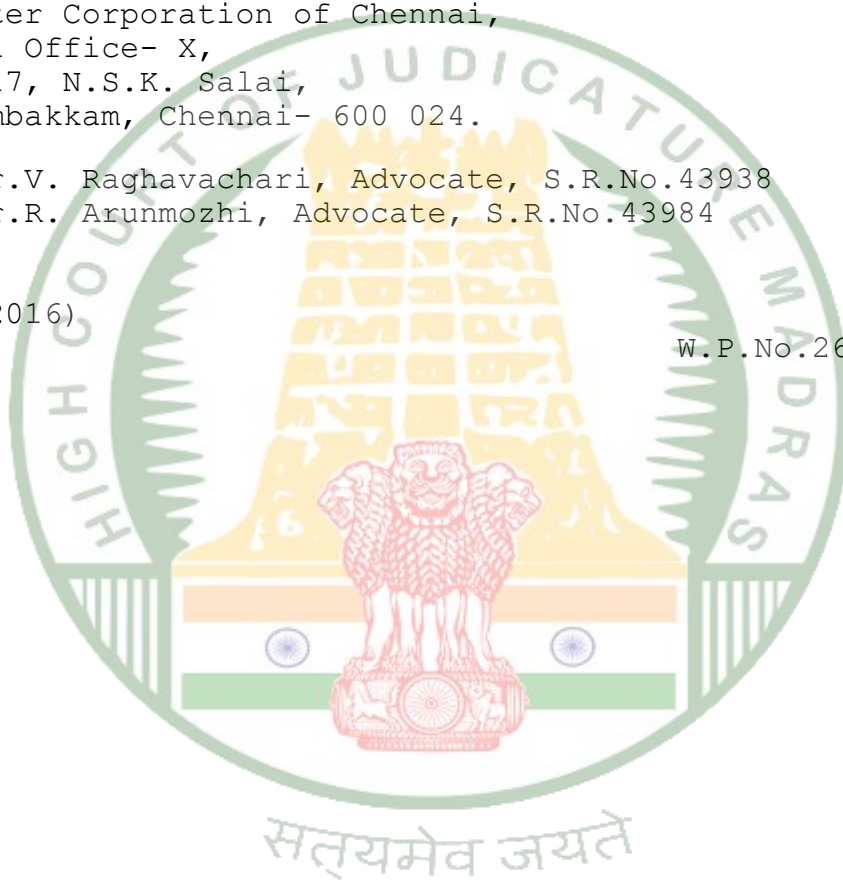
2. The Executive Engineer,
Greater Corporation of Chennai,
Zonal Office- X,
No.117, N.S.K. Salai,
Kodambakkam, Chennai- 600 024.

+1cc to Mr.V. Raghavachari, Advocate, S.R.No.43938

+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.43984

SCD(CO)
EU(08/08/2016)

W.P.No.26963 of 2016



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