

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.27099 of 2016  
and WMP.No.23274 of 2016

V.Krishnasamy Pillai

...Petitioner

Vs.

1. The Assistant Commissioner,  
Corporation of Chennai  
Regional Office - Central  
2nd Cross Street (East),  
Pulla Avenue,  
Shenoy Nagar,  
Chennai- 600 030.
  2. The Executive Engineer,  
Zone- 10  
Corporation of Chennai,  
Chennai- 600 030.
  3. The Assistant Executive Engineer,  
Union - 29  
Corporation of Chennai,  
Chennai- 600 030.
  4. The Junior Engineer,  
Division - 128,  
Corporation of Chennai,  
Chennai - 600 030.
  - 5.The Regional Deputy Commissioner  
Regional Office (Central)  
Greater Chennai Corporation  
No.36B, Pulla Avenue, Shenoy Nagar  
Chennai-600 030
- (5<sup>th</sup> respondent impleaded suo motu  
by HGRJ & MVMJ by the self same  
order dated 03.08.2016)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the concerned records relating to the notice under Section 220 r/w Section 222 of the CCMC Act, IV of 1919 dated 23.07.2016 passed by the respondents and quash the same.

For Petitioner : Mr.L.Chandrakumar  
for Mr.G.Gubendiran

For Respondents : Mr.V.C.Selvasekaran

O R D E R

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

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.V.C.Selvasekaran, learned Standing counsel, who accepts notice on behalf of respondents.

2. Since the learned Standing counsel appearing for the respondents submits that the Regional Deputy Commissioner, Regional Office (Central), Greater Chennai Corporation, is the necessary party to the present proceedings, we hereby suo motu implead the said respondent as 5<sup>th</sup> respondent for the purpose of passing necessary orders in this writ petition.

3. Challenging the notice dated 23.07.2016 issued by the respondents, the present writ petition came to be filed by the petitioner.

4. On a perusal of the show cause notice dated 23.07.2016 issued by the respondents, 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.

5. According to the learned counsel for the petitioner, the property mentioned in the notice was allotted by the Government of Tamil Nadu to the petitioner's mother-in-law during the year 1952 and after her death, the petitioner is living by constructing a residential building therein. Learned counsel for the petitioner further submits that the petitioner had given a reply/representation on 01.08.2016 to the respondents 1 to 4 herein stating that the said notice was issued without conducting any enquiry.

6. We have anxiously considered the submissions made by the learned counsel for the petitioner and the documents placed before this court. The petitioner appears to have filed reply dated 01.08.2016 as against the Notice dated 23.07.2016 to the respondents 1 to 4. Since the 5<sup>th</sup> respondent herein is the competent authority to pass orders on the reply to the notice, the petitioner is directed to send a copy of the reply dated 01.08.2016 to the 5<sup>th</sup> respondent forthwith and on receipt of such reply, the 5th respondent is directed 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 two months 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 5th respondent. Till such orders are passed, status quo shall be maintained by the parties.

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

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Assistant Commissioner,  
Corporation of Chennai  
Regional Office - Central  
2nd Cross Street (East),  
Pulla Avenue,  
Shenoy Nagar,  
Chennai- 600 030.

2. The Executive Engineer,  
Zone- 10  
Corporation of Chennai,  
Chennai- 600 030.

3. The Assistant Executive Engineer,  
Union - 29  
Corporation of Chennai,  
Chennai- 600 030.

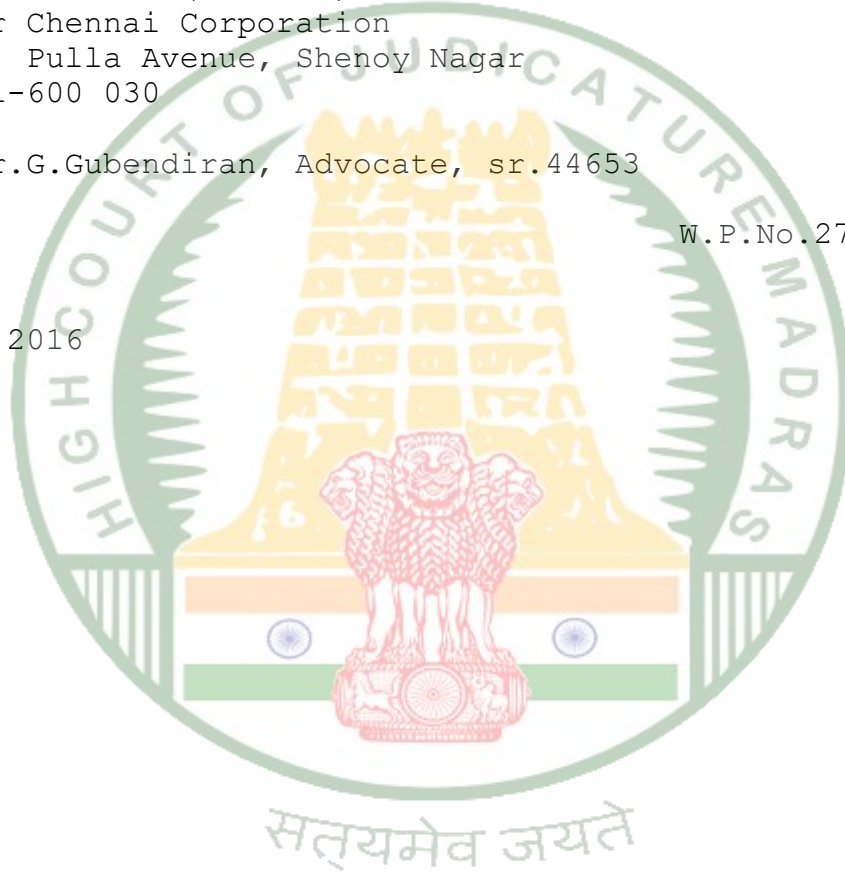
4. The Junior Engineer,  
Division - 128,  
Corporation of Chennai,  
Chennai - 600 030.

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

1 cc to Mr.G.Gubendiran, Advocate, sr.44653

W.P.No.27099 of 2016

vgi co  
kra 08.08.2016



WEB COPY