

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27880 of 2016

and

WMP No.24044 of 2016

R.Ellappan

... Petitioner

Vs

1.The Commissioner of Chennai
Office of the Chennai Corporation,
Park Town, Chennai - 3.

2.The Asst. Commissioner,
XI-Zone,
Valasaravakkam, Chennai-87.

3.The Asst. Engineer,
XI-Zone, Ward No.154,
Ramapuram, Chennai-89.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents to dispose of the petitioner's representation dated 28.07.2016 and consequential direction directing the respondents to stop the illegal construction of building at Plot No.3, Ambal Nagar, land measuring 787.5 sq.ft. comprised in S.No.207 part of Ramapuram Village, Ambattur Taluk, Tiruvellore District

For Petitioner : Mr.R.Venkataraman

For Respondents : Mr.C.Manishankar,
Additional Advocate General
Asst. by Mr.P.V.Selvakumar

O R D E R

The petitioner is the owner of the property bearing Plot No.3, Ammal Nagar, measuring to an extent of of 787.5 sq.ft. comprised in Survey No.207 part of Ramapuram Village,

Ambattur Taluk, Tiruvellore District. When the petitioner is in occupation of the said property, all of a sudden, the respondent started encroaching upon the property and put up superstructure for the purpose of opening canteen called Amma Unavagam and therefore the petitioner has come before this Court after giving a representation dated 28.07.2016 to stop the illegal construction put up in his property.

2. A counter affidavit has been filed by the second respondent on 17.08.2016 wherein in Paras 5 and 6, it has been stated that the construction has been stopped on receipt of objection raised by the petitioner and an alternative location has been selected for construction of Amma Unavagam and the proposal to put up construction in the site has been dropped. Para 5 and 6 of the counter affidavit are usefully extracted as follows -

5. I respectfully submit that accordingly the site in question has been selected and the foundation for the Amma Unavagam has been started. Further, the construction of the said canteen has been stopped immediately on the receipt of the objection by the petitioner.

6. I respectfully submit that an alternative location has been selected for construction of Amma Unavagam and proposal to construct the Amma Unavagam at the site in question has been dropped.

3. From the above, it is clear that the second respondent had dropped the idea of constructing the canteen in the property which is in possession of the petitioner and an alternative site has been selected.

4. In view of the above said circumstances, the respondents are directed not to encroach upon the petitioner's property and put up any other construction.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.P is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Commissioner of Chennai
Office of the Chennai Corporation,
Park Town, Chennai - 3.

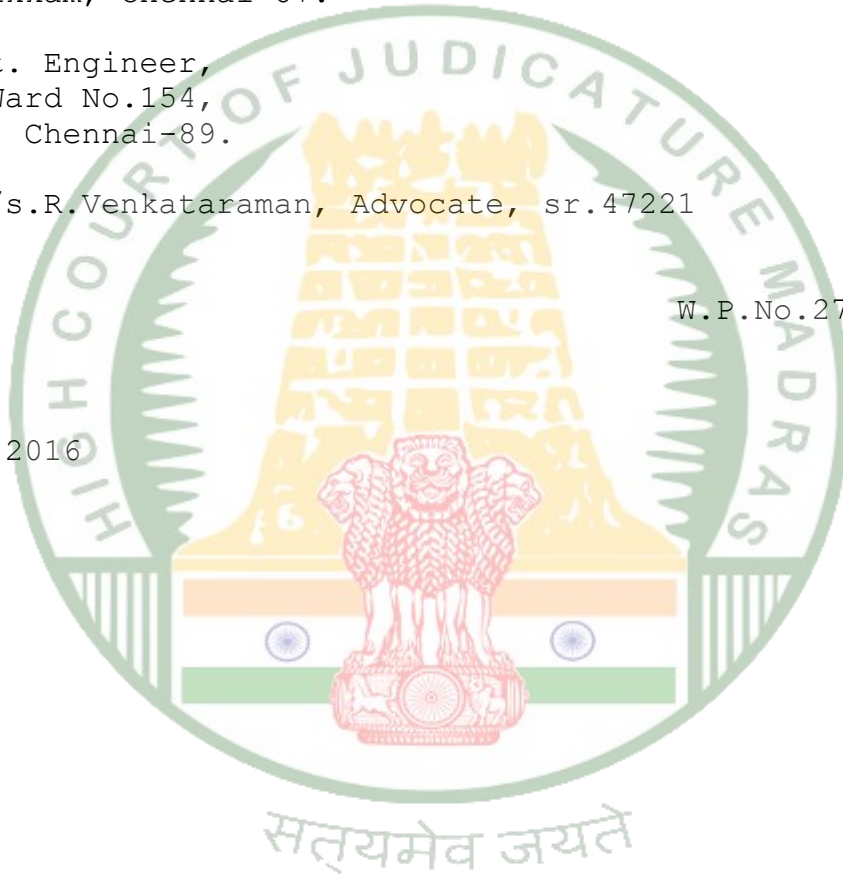
2.The Asst. Commissioner,
XI-Zone,
Valasaravakkam, Chennai-87.

3.The Asst. Engineer,
XI-Zone, Ward No.154,
Ramapuram, Chennai-89.

1 cc to M/s.R.Venkataraman, Advocate, sr.47221

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ctk co
kra 23.08.2016



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