

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM

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

W.P.No.27896 of 2016

N.Vijayaraghavan

.. Petitioner

-vs-

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
2. The Divisional Officer
Corporation of Chennai
Division-52, Zone-5
Chennai 600 021
3. Assistant Engineer
Corporation of Chennai
Division-52, Zone-5
Royapuram
Chennai 600 021
4. The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007

5. V.Alagarswamy

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second, third and fourth respondents to consider the representation of the petitioner dated 19.11.2015, regarding the removal of the concrete platform structure built by the fifth respondent, in front of his shop, by encroaching the pavement and the road and consequently to remove the said encroachment of the fifth respondent, before his shops in Old Door No.28/2-A, New Door No.77 and in Old Door No.28/2-B, New Door No.79, both situated in M.C.Road, Old Washermanpet, Chennai 600 021.

For Petitioner :: Mr.P.K.Rajesh Praveen Kumar

For Respondents:: Mr.A.Nagarajan for R1 to R3
Mrs.A.Srijayanthi
Special Government Pleader for R4

ORDER

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

The petitioner has sought for issuance of a writ of mandamus, directing the second, third and fourth respondents to consider the representation of the petitioner dated 19.11.2015, regarding the removal of the concrete platform structure built by the fifth respondent, in front of his shop, by encroaching the pavement and the road and consequently to remove the said encroachment of the fifth respondent, before his shops in Old Door No.28/2-A, New Door No.77 and in Old Door No.28/2-B, New Door No.79, both situated in M.C.Road, Old Washermanpet, Chennai 600 021.

2. Heard the learned counsel for the petitioner, learned standing counsel taking notice for the Corporation and the learned Special Government Pleader taking notice for the State.

3. According to the petitioner, he is running a textile shop under the name and style of 'Vijayalakshmi Tex Trading' in the premises owned by the fifth respondent, who is none other than his maternal uncle's son, for the past 28 years by paying the rent. Though the building complex was built by the petitioner's father, after the death of his father, it appears that the fifth respondent, who is owning many buildings in the area, attempted to evict the petitioner from the premises in question and in this regard a suit was also filed by the petitioner not to evict him without following due process of law and an interim order was also obtained. It also appears that a criminal case is also pending against the fifth respondent. The grievance of the petitioner is that the fifth respondent had constructed a platform in front of the adjacent shop by encroaching the Corporation pavement and is refusing to remove the same in spite of the petitioner's request. Therefore he has submitted a representation to the respondents 2 & 3 to take appropriate action. As no action has been taken till date, he is before this Court.

4. It is for the respondents 1 to 3 to consider the representation of the petitioner regarding the alleged encroachment and to do the needful within a period of two months from the date of receipt of a copy of this order. All the contentions are left open to be urged by the petitioner, if need

be, before the authorities. With this observation, the writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ss

To

1. The Commissioner
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Rippon Buildings
Chennai 600 003
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4. The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007

+4 ccs to Mr.P.K.Rajesh Praveen kumar Advocate sr 45490
+1 cc to Government Pleader sr45800

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