

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.29515 of 2016
and
WMP.Nos.25548 and 25549 of 2016

1.S.Chitra
2.P.Kumari
3.G.Ramesh
4.G.Obalapathi

...Petitioners

Vs.

1.The Commissioner,
Chennai Corporation,
Rippon Building,
Chennai - 600 003.

2.The Assistant Engineer,
Ward 180, Division 13,
No.115, Dr.Muthulakshmi Road,
LB Road, Adyar,
Chennai - 600 020.

3.The Assistant Engineer,
Electricity Board,
Tidel Park, Tharamani,
Chennai - 600 113.

4.Vijayakumar

5.Dhayalan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 and 5 in the lane where Door Nos.40 to 45 are situated in Mariamman Kovil Street, Taramani, Chennai- 600 113, within a time frame to be fixed by this Court.

For Petitioners : Mr.V.R.Appaswamee
For R1 & R2 : Mr.V.C.Selvasekaran
For R3 : Mr.S.K.Rameshwar
For R4 and R5 : Notice served, no appearance

ORDER

(Order of the Court was made by S.VAIDYANATHAN, J.)

This Writ Petition is filed praying to issue a Writ of Mandamus directing respondents 1 to 3 to remove the encroachments made by respondents 4 and 5 in the lane, where Door Nos.40 to 45 are situated at Mariamman Kovil Street, Taramani, Chennai- 600 113, within a time frame to be fixed by this Court.

2. The case of the petitioners is that they are residing at Mariamman Koil Street, Taramani, Chennai for more than 35 years without any hindrances and are paying all the taxes to the authorities concerned. While so, respondents 4 and 5 started further construction of their houses by encroaching the common lane using by the petitioners and other families, whose houses are situated abutting the street. Hence, the petitioners preferred a representation dated 04.06.2016 to respondents 1 to 3 requesting them to remove the encroachment made by respondents 4 and 5. Finding no response, the petitioners have come up with the present writ petition for the above stated relief.

3. Learned counsel for the petitioners submitted that respondents 4 and 5 have made illegal and unauthorised construction by encroaching the common road using by the petitioners and other families. Due to the same, the petitioners are put to irreparable loss and hardship. He further submitted that though the encroachment was brought to the knowledge of the respondents, no action has been taken till date. Therefore, the petitioners are before this Court.

4. Per contra, learned counsel for the official respondents submitted that with regard to the alleged encroachment, notice has been issued to the petitioners as well as to respondents 4 and 5, as per law.

5. Irrespective of the submissions made on either side, this Court directs the petitioners to approach the respondents and produce all the necessary documents in support of their claim,

along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall issue notice, conduct enquiry and remove the encroachment, if any, in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as to the respondents 4 and 5, within a period of two months.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rk

To

1.The Commissioner,
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Chennai - 600 003.

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3.The Assistant Engineer,
Electricity Board,
Tidel Park, Tharamani,
Chennai - 600 113.

1 cc to M/s.V.R. Appaswamee, advocate Sr. 56042

W.P.No.29515 of 2016

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