

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.10.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.34766 of 2016

Dr.A.K.D.Kumar
rep. by his Power of Attorney Agent
Mr.A.K.D.Venkataramana Raja ... Petitioner

Versus

1.The Commissioner
Corporation of Chennai,
'Rippon Buidlings',
Park Town, Chennai 600003.

2.The Assistant Executive Engineer,
Division No.45, Zone -15,
Corporation of Chennai,
Sholinganallur, Chennai 600 119.

3.The Tahsildar,
Office of the Tahsildar
Sholinganallur,
Chennai 600 119.

4.M.M.Shanmugam ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari, to call for the records on the file of the 2nd respondent in the impugned proceedings bearing Reference Ma.Au.15.Na.Ka.No./P2/02309/2016 dated 17.09.2016 and quash the same.

For Petitioner ::: Mr.S.Rajasekar
For Respondents ::: Mr.A.Nagarajan for R.1 and R.2
Mr.M.K.Subramanian
Government Pleader for R.3
Mr.Krishnaprasad
for M/s.Sarvabhauman Associates for R.4

O R D E R
(The Order of the Court was made by The Hon'ble
The Chief Justice)

The property in question has been surveyed and it is the finding of the Tahsildar that there is encroachment on the 40 feet road, which position has to be removed by the petitioner within 15 days as per notice dated 17.09.2016.

2. After some arguments, learned counsel for the petitioner does not press the petition, as he concedes that the issue is of such a nature that the appropriate remedy would be a civil suit. The apprehension he expressed is that he must get a reasonable time period to institute the suit, as otherwise, the demolition may take place for the alleged encroachment.

3. In view of the aforesaid position, we direct that no demolition in pursuance to the communication dated 17.09.2016 should take place for a period of three weeks from today (without any reflection on the merits of the controversy), to enable the petitioner to institute appropriate civil proceedings. The respondents/authorities waive the notice under Section 80 of Code of Civil Procedure to facilitate early adjudication in this issue, since already the respondents/authorities have taken a decision, after notice to all concerned.

4. The writ petition accordingly stands disposed of. Consequently connected miscellaneous petition is closed.

Copy of the order be issued within two days.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Commissioner, Corporation of Chennai,
'Rippon Buidlings', Park Town, Chennai 600003.

2.The Assistant Executive Engineer, Division No.45, Zone -15,
Corporation of Chennai, Sholinganallur, Chennai 600 119.

3.The Tahsildar, Office of the Tahsildar
Sholinganallur, Chennai 600 119.

1 cc to M/s.S.Rajasekar, Advocate, sr.57348

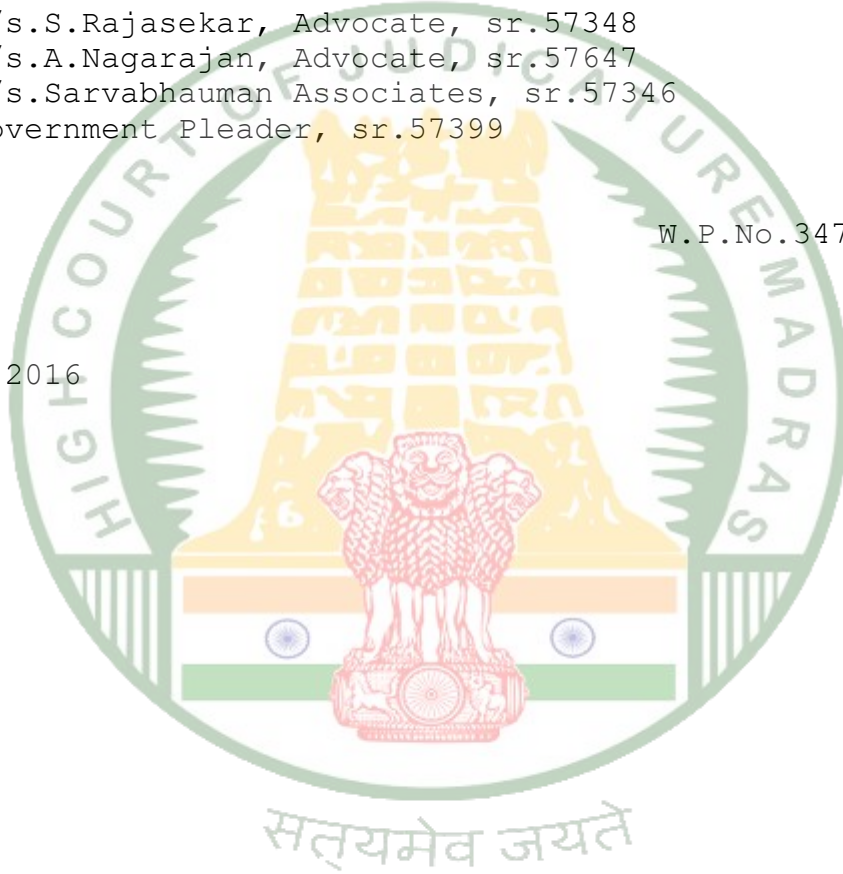
1 cc to M/s.A.Nagarajan, Advocate, sr.57647

1 cc to M/s.Sarvabhauman Associates, sr.57346

1 cc to Government Pleader, sr.57399

W.P.No.34766 of 2016

rp co
kra 06.10.2016



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