

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.40317 of 2016

Pon.Thangavelu

.. Petitioner

-vs-

1.The District Collector,
O/o The District Collectorate,
Kanchipuram District.

2.The Commissioner,
Corporation of Chennai,
Chennai-600 003.

3.The Thasildhar,
Shollinganallur Taluk,
Shollinganallur,
Chennai.

4.Zonal Officer,
Zone 15, Corporation of Chennai,
120, Rajiv Gandhi Salai,
Shollinganallur,
Chennai-119.

5.The Inspector of Police (L & O),
J-8, Neelangarai Police Station,
Neelangarai,
Chennai-600 115.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 and 5 to remove all sort of encroachments in public road, Vettuvankani, Injambakkam, Link Road in Survey No.253/2 (Government poramboke Cart road) in Chennai Corporation Zone No.XV, Corporation Division No.196 situated within the Chennai Corporation Limit.

For Petitioner : Mr.A.P.Suryaprakasam

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1, 3 & 5

Mr.K.Soundararajan for R2 & R4
* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner makes a grievance that a specific direction should be passed against respondent Nos.1 and 5 to remove all sorts of encroachments in public road in Vettuvankani, Injambakkam, Link Road in Survey No.253/2 (Government Poramboke Cart Road).

2. In respect of the aforesaid, it may be noted that the petitioner had earlier filed W.P.No.18717 of 2014 for the same relief and the learned Government Pleader has stated that necessary action would be taken within a period of two months and the petition was closed, but listed for compliance.

3. Thereafter, the affected parties approached this Court by filing W.P.No.30404 of 2015. In those proceedings, interim orders were passed giving protection subject to the petitioners therein filing unequivocal undertaking to vacate the premises and the land and not to create any lease or transfer possession with restraint against the removal, as it was stated that the road widening project was to be implemented. The petitioner has filed a copy of the order passed in the writ petition on 29.09.2015. We may notice that the petitioner was impleaded as respondent No.5. In terms thereof, the requirement of the petitioner in those proceedings to file an undertaking to vacate the area, if required for development purposes, has been recorded.

4. The petitioner, however, conveniently did not file the final order passed in W.P.No.30404 of 2015 and thus, we obtained the final order through the Internet, which is actually passed on 25.01.2016. In those proceedings, we have recorded the submission of the Corporation of Chennai after impleading them as parties that at present, there was no proposal being worked out for widening of the road and the drainage system. We thus observed, as and when the project is taken up, the undertaking given by the petitioners therein would come into force. The petitioners therein have also interdicted from parting possession or creating any third party interest as also against any further construction with only the existing premises being

enjoyed subject to the requirement of road widening/drainage system, in which eventuality, they will have to vacate the area.

5. The petitioner, now relies upon the RTI query raised on 07.07.2016 with response on 28.07.2016 to contend that there is no project in the offing and this Court has been misled. The aforesaid plea is fallacious because the final order in W.P.No.30404 of 2015 passed on 25.01.2016 had already taken note of this fact that at present there is no proposal and if one may say, the endeavour has been to obtain an order without bringing to the notice to this Court the final order which settles the controversy in respect of the occupants.

6. The learned counsel for the petitioner still insists that he had not entered appearance in those proceedings. But the fact remains that those proceedings arose as a consequence of the orders passed in the earlier writ petition of the petitioner and that petition was listed for compliance.

7. We, thus, find the writ petition is completely misconceived.

8. The writ petition is dismissed. No costs. Consequently, WMP.No.34395 of 2016 is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
O/o The District Collectorate,
Kanchipuram District.
- 2.The Commissioner,
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- 3.The Thasildhar,
Shollinganallur Taluk,
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- 4.The Zonal Officer,
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Shollinganallur,
Chennai-119.

5.The Inspector of Police (L & O),
J-8, Neelangarai Police Station,
Neelangarai,
Chennai-600 115.

+1 cc to M/s.A.P.Suryaprakasam, advocate, sr.66572

+1 cc to Mr.K.Soundararajan, advocate, sr.67246

+1 cc to Government Pleader, sr.66717.

rk(co)
krd 30/11

W.P.No.40317 of 2016



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