

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.43244 of 2016

K.B.Mohammed Hanifa .. Petitioner

Vs.

1. The Commissioner
Corporation of Greater Chennai
Rippon Buildings, Chennai - 600 003.

2. The Zonal Officer-X
Corporation of Chennai
Kodambakkam
Chennai - 600 024.

3. S.Parthiban
Parthiban Fast Food and Tiffin Stall
Platform near D.No.70
Old Mambalam Road
Saidapet, Chennai - 600 015.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 1 and 2 not to proceed further on the basis of the proceedings of the second respondent made in their letter bearing No.Z.O.X.C. No.0025/2016, dated 18.11.2016 till the disposal of the petitioner's representation dated 26.11.2016 sent to respondents 1 and 2.

For Petitioner : Mr.L.G.Sahadevan

For Respondents : Mr.K.Soundararajan
for respondents 1 and 2

ORDER

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

We are unable to accept the plea of the petitioner that the notice dated 18.11.2016 being without the inspection report, the petitioner is deprived of an opportunity of a defence. The notice itself sets forth what is the encroachment on the road, an aspect not really disputed before us and the only say is that it is not affecting free flow of traffic and causing inconvenience to public as alleged in the notice.

2. The construction being a violation, the judgment of the Municipal authority on its effect has to be accepted.

3. The learned counsel for the petitioner also makes a grievance that the action against the petitioner was triggered off on a petition filed by the third respondent being W.P.No.37697 of 2015, in which, on 26.11.2015, it was directed that the representation of the third respondent herein should be disposed of in accordance with law. He submits that the property of the third respondent also has many violations.

4. If the aforesaid be the position, it will be open for the Corporation to inspect even the property of the third respondent and find out if there are any violations and take action in accordance with law.

The petition is closed with the aforesaid observations. No costs. Consequently, WMP.No.37095 of 2016 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

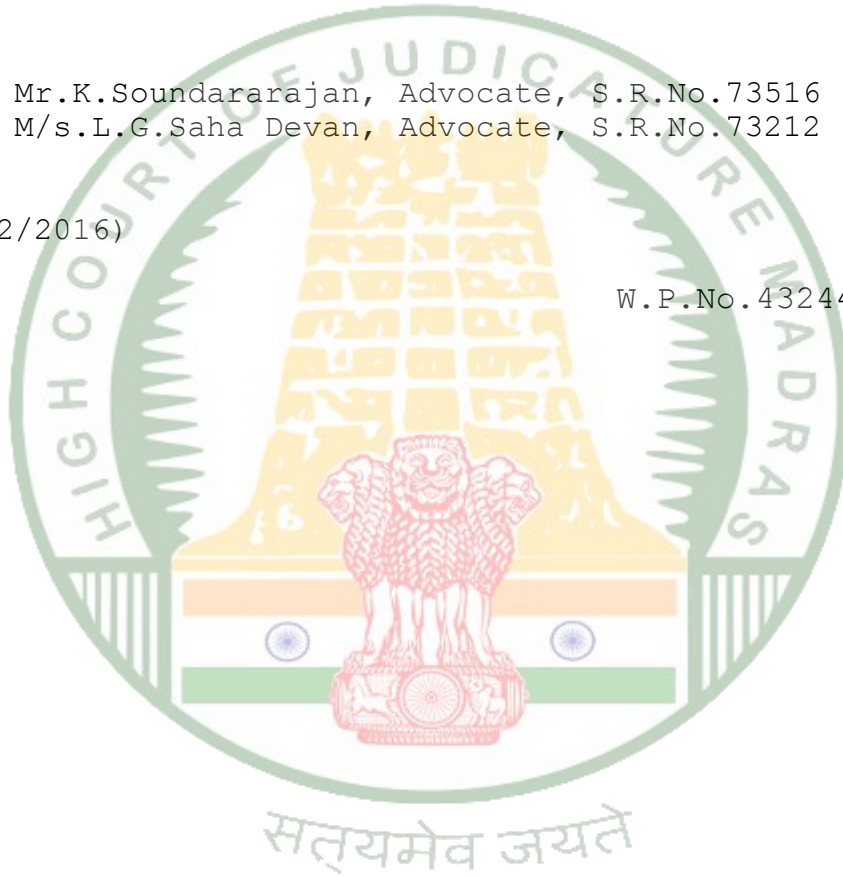
To:

1. The Commissioner
Corporation of Greater Chennai
Rippon Buildings, Chennai - 600 003.
2. The Zonal Officer-X
Corporation of Chennai
Kodambakkam
Chennai - 600 024.

+1cc to Mr.K.Soundararajan, Advocate, S.R.No.73516
+1cc to M/s.L.G.Saha Devan, Advocate, S.R.No.73212

UG(CO)
SK(21/12/2016)

W.P.No.43244 of 2016



WEB COPY