

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.4670 of 2016
and
W.M.P.No.4044 of 2016

S.Suresh Balaji

... Petitioner

Vs.

1. The Commissioner of Corporation,
Chennai Corporation,
Chennai - 3.
2. The Executive Engineer,
Division 8, Ward No.95,
Zonal Office, Corporation of Chennai,
Chennai.
3. The Tahsildar,
Aminjikarai Taluk Office,
Chennai - 107.
4. T.M.Palani
5. Kasi Viswanatha Durai

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 3 to take appropriate action and remove the encroachment made by the respondents 4 and 5 in Lakshmipuram 1st Street Survey No.8 abutting the New Avadi Road, Villivakkam, Chennai - 49 within the time prescribed by this Court.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.V.C.Selvasekaran for R1 and R2
Mr.P.S.Sivashanmugha Sundaram,
Special Government Pleader for R3

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Mr.V.C.Selvasekaran, learned Standing Counsel accepts notice on behalf of respondents 1 and 2 and Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of the third respondent. Notice to respondents 4 and 5 is dispensed with at this stage, as, no adverse order is passed against them in this writ petition. Thus, with the consent of the learned senior counsel appearing for the petitioner, learned standing counsel for respondents 1 and 2 and the learned Special Government Pleader for the third respondent, the writ petition is taken up for final disposal.

2.This writ petition is filed, seeking a direction to respondents 1 to 3 to take appropriate action and remove the encroachment made by respondents 4 and 5 in Lakshmipuram 1st Street Survey No.8 abutting the New Avadi Road, Villivakkam, Chennai - 49.

3.The property in question is the subject matter of pending suit being O.S.No.422 of 2016 on the file of City Civil Court, Chennai, wherein the instant petitioner is a party/third defendant. Thus, we are not inclined to entertain a parallel proceeding, in exercise of our powers under Article 226 of the Constitution of India. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mmi

To

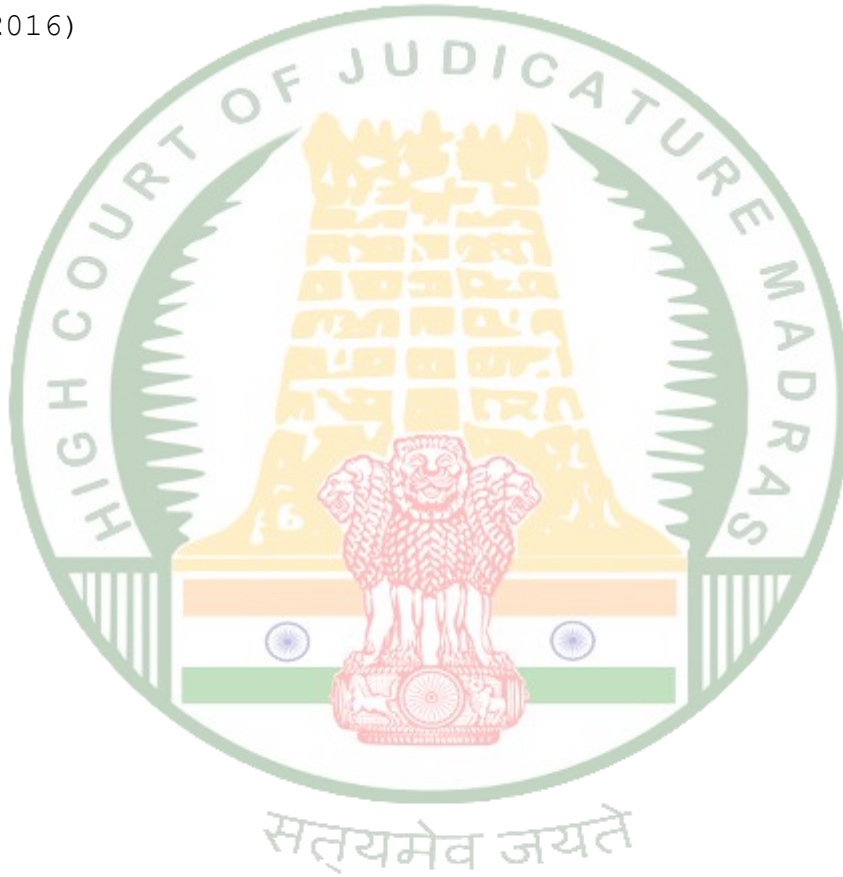
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3. The Tahsildar,
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Chennai - 107.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.9513
+1cc to the Government Pleader, S.R.No.9605

W.P.No.4670 of 2016

EV(CO)
CA(27/02/2016)



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