

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.5421 of 2016

N. Banumathi

Petitioner

Vs.

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Zonal Officer
Zone-VII (Ambattur)
Tiruvallur High Road
Opp. Dunlop
Chennai 600 053

3 The Tahsildar
Ambattur Taluk
Ambattur
Chennai 600 053

4 M. Vengatachalapathy

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to remove the encroachments made by the fourth respondent in public street and water channel of Thamarai Kulam ("pond" "water body") comprised in 1st Main Road, Ellai Amman Nagar, Korattur, Chennai 600 076, by considering the petitioner's representation dated 24.11.2015, within the time stipulated by this Hon'ble Court.

For petitioner Mr. B. Vijay

For RR 1 & 2 Mr. V.C. Selvasekaran, Standing Counsel

For R3 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the third respondent. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no order prejudicial to her interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned Standing Counsel for respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the official respondents to remove the encroachments made by the fourth respondent in public street and also water channel of Thamarai Kulam (pond) comprised in 1st Main Road, Ellai Amman Nagar, Korattur, Chennai 600 076, by considering the petitioner's representation dated 24 November 2015, within a stipulated time.

3 According to the petitioner, the fourth respondent, who is the owner of the adjacent property, has encroached the public street. He has also completely blocked free flow of rain water in the water channel by installing an iron gate therein, thereby, causing inundation. The said water channel was constructed by the Chennai Corporation and the Revenue Department to facilitate free flow of rain water to the pond in question, viz., Thamarai Kulam. Hence, seeking removal of the aforestated encroachments, she has addressed a representation dated 24 November 2015 to the first respondent, viz., the Commissioner, Chennai Corporation. Yet, no step has been taken by the authorities for the removal of the encroachments in question. Hence, the instant writ petition seeking the aforestated relief.

4 Today, when the matter is taken up for hearing, the learned Standing Counsel for respondents 1 and 2 submits that necessary enquiry, inspection and consequential action, on notice to the alleged encroacher, will be taken within a period of three weeks.

5 In view of the aforestated submission made by the learned Standing Counsel for respondents 1 and 2, it is ordered accordingly.

The writ petition stands disposed of with the aforestated observation. Costs made easy.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
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- 3 The Tahsildar
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Ambattur
Chennai 600 053

+1cc to Mr.B. Vijay, Advocate, S.R.No.9427

SKV(CO)
EU (26/02/2016)

W.P. No.5421 of 2016

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