

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2016

CORAM:

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

W.P. No.5737 of 2016

N.Sekar

...Petitioner

vs.

- 1.The Secretary to Government,  
Housing and Urban Development  
Department, Secretariat,  
Chennai - 9.
- 2.Chennai Metropolitan Development  
Authority rep. by its  
Member Secretary,  
Thalamuthu Natarajan Maligai,  
No.8, Gandhi Irwin Road,  
Chennai - 8.
- 3.Corporation of Chennai  
rep. by its Commissioner,  
111, Periyar EVR Salai,  
Chennai - 3.
- 4.The Regional Deputy Commissioner,  
Corporation of Chennai,  
2nd Cross Street (East),  
Pulla Avenue, Shenoy Nagar,  
Chennai - 30.

- 5.The Executive Engineer,  
Corporation of Chennai,  
TP Enforcement,  
Office of the RDC Central,  
2nd Cross Street (East),  
Pulla Avenue, Shenoy Nagar,  
Chennai - 30.

- 6.R.Suganya
- 7.M.Rangaswamy

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8.A.Venkata Krishnan  
9.J.R.Krishnan  
10.V.G.Kannan  
11.K.R.Palaniappan  
12.R.Samuel  
13.Nithya Celene Yesdian  
14.Gigie A.Verghese  
15.V.Bhuvaneswari  
16.Soundari @ Samuthiram  
17.Sumathy Dora Manoranjini  
18.G.Appakudam  
19.V.Mangalam  
20.N.K.Natarajan  
21.T.Venkatesan  
22.R.Ganapathy  
23.V.Thiraviam  
24.B.Vijayakumari  
25.Juliet Selvakumar  
26.A.Sankar Raj  
27.Anandraj Swaminathan  
28.Sahayamary  
29.M.S.Chandrasekaran  
30.N.S.Shanmugam  
31.Vijayan  
32.Kalpakkam Santhanam  
33.Venugopal  
34.Appees  
35.G.Narayan Babu  
36.S.Tamil Selvi  
37.Elliot Lionel Samson  
38.N.R.Dhanaraj  
39.Balagopalan  
40.Arunachalam  
41.D.Balasubramani  
42.,Hari Baskar  
43.Andrew Rajkumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 to 5 to demolish the unauthorised constructions erected by the respondents 6 to 43 at Block Nos.331 to 335, Galaxy Apartment, 2nd Avenue, Anna Nagar, Chennai - 40 pursuant to the appeal rejected by the first respondent vide G.O.(3D) No.6 dated 11.01.2016 and for rejection of regularisation application dated 25.09.2014 by the second respondent.

For Petitioner .. Mr.G.Palani

For Respondents.. Ms.A.Srijayanthi,  
Spl. Govt. Pleader for R1  
Mr.N.Sampath,  
Standing Counsel for R2  
Mr.R.Arunmozhi,  
Standing Counsel for R3 to R5

ORDER

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

Ms.A.Srijayanthi, learned Special Government Pleader accepts notice on behalf of the first respondent. Mr.N.Sampath, learned Standing Counsel accepts notice on behalf of the second respondent and Mr.R.Arunmozhi, learned Standing Counsel, accepts notice on behalf of respondents 3 to 5. Notice to private respondents 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 counsel for the petitioner, learned Special Government Pleader for the first respondent and the learned Standing Counsel for respondents 2 to 5, the writ petition is taken up for final disposal, at the admission stage itself.

2.In this petition, the petitioner, who was permitted to participate in the proceedings preferred by R.Sukanya and 20 others in respect of the alleged encroachment, has come up with this petition, seeking a direction to the authorities to comply with the proceedings in G.O.(3D) No.6 Housing and Urban Development (UD-VI(2)) Department dated 11 January 2016.

3.On 11 January 2016, the application filed by the private respondents was rejected with a direction to Chennai Metropolitan Development Authority to pursue further action. The order sought to be implemented was passed by the first respondent on 11 January 2016. Without giving reasonable time to the authorities to comply with the proceedings, the petitioner has come up with this petition.

4.We are not inclined to interfere as this Court cannot be converted into an executing court, if the authorities are not complying with the order. The petitioner is at liberty to approach the Secretary concerned, with a request to ensure that the order rendered by him is complied with by the authorities within a reasonable time.

5.Mr.N.Sampath, learned standing counsel for the second respondent submits that the proceedings of the first respondent

dated 11 January 2016 will be complied with, within a period of two weeks from today.

6.In view of the above submission made by the learned standing counsel for the second respondent, it is ordered accordingly.

7.With the aforestated observation, the writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS IV)

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Sub Assistant Registrar

To

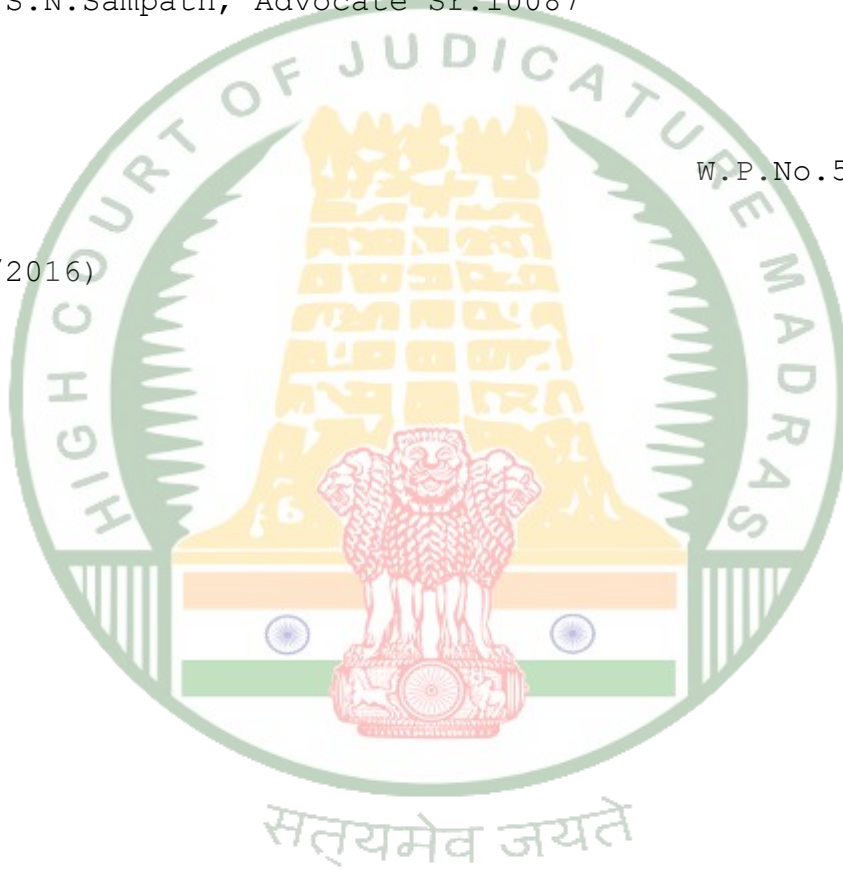
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- 2.The Member Secretary,  
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5.The Executive Engineer,  
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TP Enforcement,  
Office of the RDC Central,  
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Pulla Avenue, Shenoy Nagar,  
Chennai - 30.

+1cc to M/S.G.Palani, Advocate, S.R.No.9906  
+1cc to M/S.R.Arunmozhi, Advocate, S.R.No.10000  
+1cc to M/S.N.Sampath, Advocate Sr.10087

W.P.No.5737 of 2016

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srg(18/02/2016)



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