

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2016

CORAM :

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.843 of 2016

P.Kumaragurubaran

.. Petitioner

-vs-

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.

2.The Assistant Commissioner,
Corporation of Chennai,
Zone-10, Kodampakkam,
Vadapalani.

3.G.Palani

4.Murugan @ Kutti

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of Writ of Mandamus to direct the first respondent to consider the representation / complaint dated 02.11.2015 for removal of encroachment by construction on public pathway at Pandaram Street, Vadapalani, Chennai-26 and to demolish the illegal construction put up by the 3rd and 4th respondents.

For Petitioner : Mr.M.F.A.Sheriff

For Respondents : Mr.K.Soundararajan, for RR 1 & 2

O R D E R

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

The petitioner alleges that the third and fourth respondents being the private parties have illegally encroached on a public platform / pavement at Pandaram Street, in front of Nagathamman temple, by constructing superstructure on the platform. This, in turn, is stated to cause congestion of traffic, but despite representations, these private respondents have refused to stop the construction and a complaint against encroachment was also

registered on 02.11.2015 through mobile phone in the Complaint Cell of the Corporation of Chennai, but to no effect.

2.The original photograph of the area has also been shown to us at the stage when the construction was going on, but now the construction is stated to be complete. We are surprised as to how any construction could have been made without sanction of the Corporation and as to why the Corporation did not attend to the issue when the construction was on or at least when a complaint was made. The typed set of documents show that the first complaint was made on 16.08.2015 to the first respondent.

3.We, thus, direct the second respondent to take necessary steps in accordance with law in respect of any unauthorised construction. There is apparently another writ petition relating to the same area to sort out the traffic problem, being W.P.No.16530 of 2015 which is pending. We would also like to know as to who is required to attend to the complaint and how the complaint was processed. If the complaint was not processed, who is responsible for it and what disciplinary action is proposed for negligence in performance of duties / collusion.

4.The exercise be undertaken within a maximum period of one (1) month from today.

5.Writ Petition, accordingly, stands disposed of. No costs.

6.List for compliance on 04.03.2016. The status report be filed at least three (3) days before the next date of hearing.

Sd/-
Assistant Registrar(CS VII)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

sra

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.

2.The Assistant Commissioner,
Corporation of Chennai,
Zone-10, Kodampakkam,
Vadapalani.

Copy to:

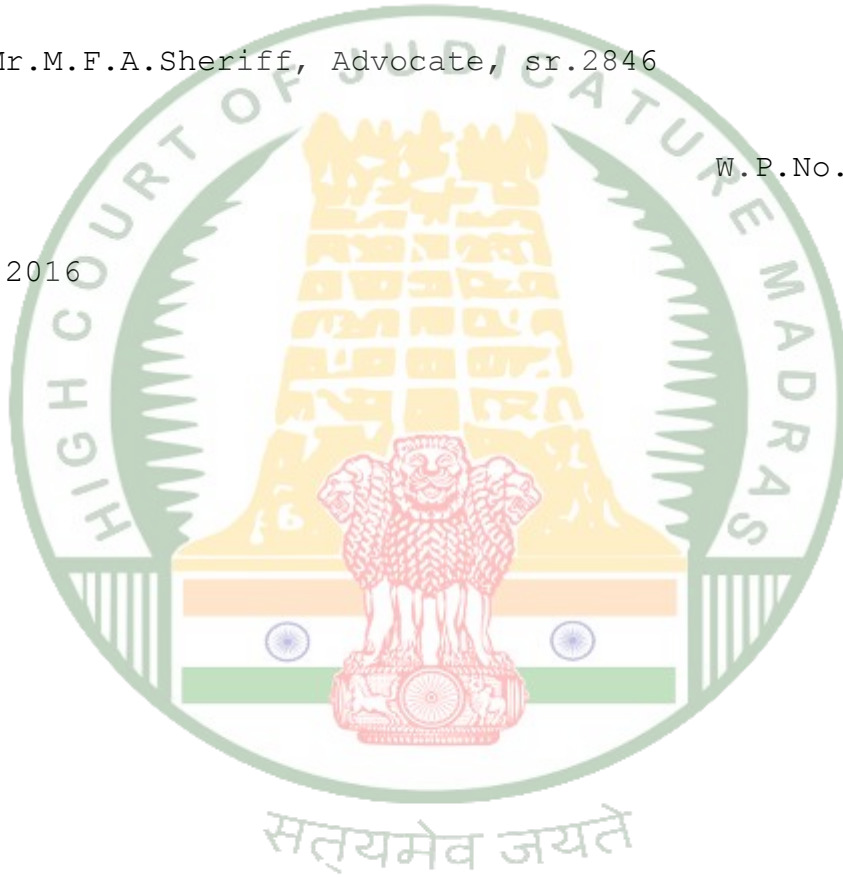
The Section Officer,
Writ Section, High Court,
Madras
(for posting the case for compliance
on 04.03.2016)

+2 ccs to Mr.K.Soundararajan, Advocate, sr.2529
(one copy furnished as per the directions of the Hon'ble
Court).

+1 cc to Mr.M.F.A.Sheriff, Advocate, sr.2846

W.P.No.843 of 2016

bvr co
kra 28.01.2016



WEB COPY