

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7019 of 2017

Radha Srinivasan

.. Petitioner

Vs.

- 1 The commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003.
- 2 The Assistant Commissioner
Zone 13, Greater Chennai Corporation
Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.
- 3 The Assistant Engineer
Division 178, Greater Chennai Corporation,
No.65, Velachery Main Road,
Velachery,
Chennai 600 065.
- 4 K.M.Thirumalai .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 07.12.2016 to remove the encroachment put up by the 4th respondent abutting the Southern side of the petitioner's property (i.e) in 5th Main Road Vijaya Nagar, Velachery, Chennai 600 042.

For Petitioner : Mr.D.Kumar

For Respondents : Mr.V.C.Selvasekaran
for respondents 1 to 3

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.V.C.Selvasekaran, learned counsel takes notice for respondents 1 to 3.

2. Heard the learned counsel for the petitioner and the learned counsel for respondents 1 to 3.

3. The petitioner has filed this writ petition seeking for issuance of a writ of mandamus directing respondents 1 to 3 to consider the representation of the petitioner dated 07.12.2016 and to remove the encroachment put up by the fourth respondent abutting the southern side of petitioner's property in 5th Main Road, Vijaya Nagar, Velachery, Chennai-42.

4. It is the case of the petitioner that the fourth respondent encroached dead end road and has illegally constructed a pucca temple in the said land. Further, the fourth respondent prevented the easementary right to the property of the petitioner from the southern side. It is the further case of the petitioner that as per the decision of the Apex Court, public roads cannot be encroached upon by constructing any religious structures. The petitioner has made a representation to respondents 1 to 3 on 07.12.2016 to remove the encroachment made by the fourth respondent and till date no action was taken on the representation.

5. If any easementary right of the petitioner is prevented, it is for the petitioner to work out her remedy before the civil court and the same cannot be decided in this petition, as it is a matter of fact finding.

6. As far as the allegation of encroachment and illegal construction of pucca temple in the encroached area by the fourth respondent is concerned, it is for the petitioner to approach the respondent authorities pursuant to the representation given for further action.

7. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

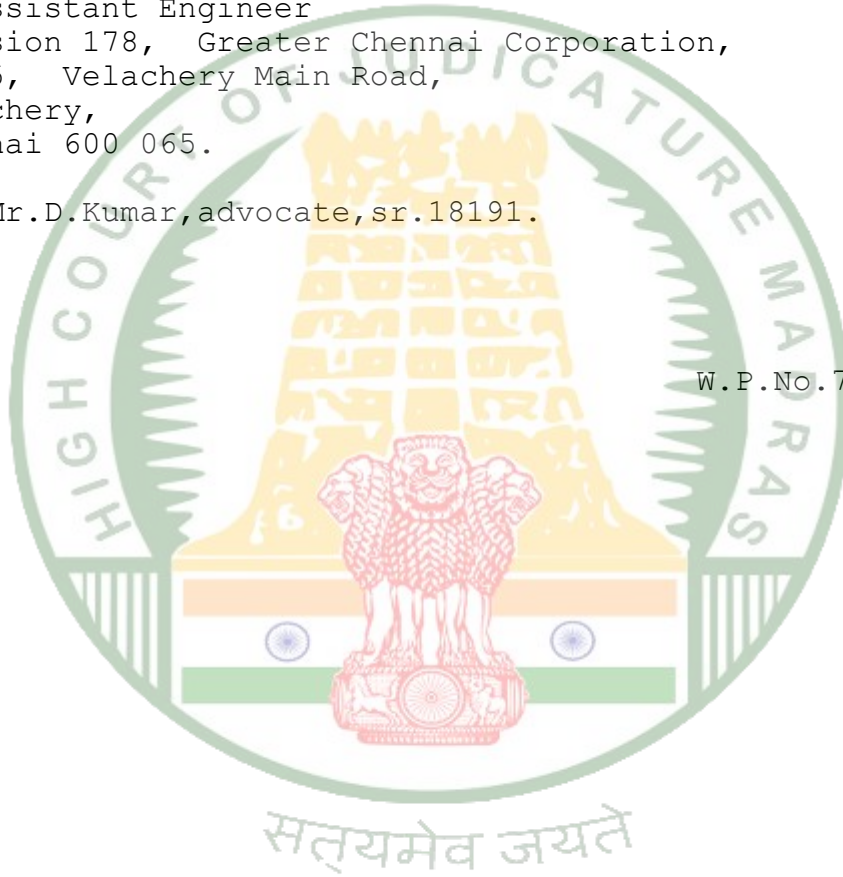
To:

- 1 The commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003.
- 2 The Assistant Commissioner
Zone 13, Greater Chennai Corporation
Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.
- 3 The Assistant Engineer
Division 178, Greater Chennai Corporation,
No.65, Velachery Main Road,
Velachery,
Chennai 600 065.

+1 cc to Mr.D.Kumar,advocate,sr.18191.

ssi(co)
krd 11/4

W.P.No.7019 of 2017



WEB COPY