

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5586 of 2017

Rosy

Vs.

... Petitioner

- 1.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai-8.
- 2.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-3.
- 3.The Executive Engineer
Zone No.XIII-Adyar Corporation of Chennai
No.118 Dr.Muthulakshmi Salai
Adyar, Chennai-20.
- 4.The Assistant Divisional Enginner (H)
Tamil Nadu Highways Department
Tambaram Sub Division
Chennai-600 100.

5.M.P.Thiruthuvaraj

6.Mrs.T.Umavathy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 2 and 3 to take suitable action on the petitioner's representation dated 28.2.2014 forwarded to respondents 2 and 3 by the first respondent by Letter dated 2.5.2014 bearing Letter No.ES2/ 3377/2014.

For Petitioner

Mr.R.Balachanderan

For Respondents

Mr.K.Rajasrinivas
for respondent No.1

Mr.V.C.Selvasekaran
for respondent Nos.2 & 3

Mr.M.K.Subramanian
Government Pleader
for respondent No.4

ORDER

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

Mr.K.Rajasrinivas, learned counsel takes notice for respondent No.1. Mr.V.C.Selvasekaran, learned counsel takes notice for respondent Nos.2 & 3. Mr.M.K.Subramanian, learned Government Pleader takes notice for respondent No.4.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing respondents 2 and 3 to take suitable action on the petitioner's representation dated 28.2.2014 forwarded to respondents 2 and 3 by the first respondent by Letter dated 2.5.2014 bearing Letter No.ES2/3377/2014.

4. Alleging that respondents 5 and 6 by creating forged documents encroached upon the public road in Survey No.283/2, Velacherry Village and have put up construction, the petitioner made a representation to the first respondent on 28.2.2014. It is stated that the first respondent, in turn, forwarded the said representation to respondents 2 and 3 vide proceedings dated 2.5.2014. However, no action was taken by respondents 2 and 3 till date to remove the encroachment put up by respondents 5 and 6. Hence, the present writ petition is filed for the relief stated supra.

5. It is submitted by the learned counsel for the respondent authorities that a civil suit in respect of the subject land is pending before the Civil Court. That apart, even as per the petitioner, the land in question was subject matter of acquisition proceedings and the same vests with the fourth respondent/Highways Department.

6. Considering the fact that a civil suit is already pending in respect of the impugned land, we hold that the present writ

petition has become redundant and it is disposed of as such. However, we make it clear that this order will not preclude the respondent authorities from looking into the matter and doing the needful in accordance with law, if any encroachment as alleged is found.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

- 1.The Member Secretary
Chennai Metropolitan Development Authority
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- 4.The Assistant Divisional
Enginner (H) Tamil Nadu Highways Department
Tambaram Sub Division
Chennai-600 100.

+1cc to Mr. Raja Srinivas, Advocate Sr. 14683
+1cc to Mr. R. Balachanderan, Advocate Sr. 14602

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MSM(CO)
VR(20/03/2017)