

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM

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

W.P.No.4705 of 2017
and W.M.P.No.4934 of 2017

V.S.Saji

.. Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Zonal Officer - Zone VII (ambattur),
Thiruvallur High Road,
Opp Dunlop,
Chennai - 600 053.
- 3.The Executive Engineer,
Greater Chennai Corporation,
Zone VII (Ambattur) Ward 82,
MTH Road, Ambattur,
Chennai - 600 053.
- 4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone VII (Ambattur) Ward 82,
MTH Road, Ambattur,
Chennai - 600 053.

5.Valiammal

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to conduct enquiry on the complaint dated 09.11.2016 and take appropriate action in accordance with law as against the 5th respondent in respect of the illegal construction made by her at Plot No.11-A, Maya Street, Ambattur, Chennai - 600 053 having an extent of 1404 Sq. Ft.

For Petitioner	:	Mr.J.R.K.Bhavanantham
For Respondents	:	Mr.V.C.Selvasekaran for R1 to R4

ORDER

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

Mr.V.C.Selvasekaran, learned counsel takes notice for respondents 1 to 4.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondents 1 to 3 to conduct enquiry on the complaint dated 09.11.2016 and take appropriate action in accordance with law as against the 5th respondent in respect of the illegal construction made by her at Plot No.11-A, Maya Street, Ambattur, Chennai - 600 053 having an extent of 1404 Sq. Ft.

3. It is the case of the petitioner that the fifth respondent has encroached upon poramboke land and has unauthorizedly constructed a temple in the said property and also encroached a portion of the land of the petitioner. It is stated that in this regard the petitioner has also filed a suit in O.S.No.439 of 2013 and obtained an order of injunction. However, complaining that the fifth respondent is violating the said order passed by the civil court, the petitioner served a legal notice on respondents 1 to 4. However, no action was initiated by the respondent/authorities to remove the unauthorized construction. Hence, the present writ petition.

4. Considering the fact that the petitioner has already filed a suit against the fifth respondent and the claims that he has obtained an order of injunction, it is left open to him to seek appropriate remedy before the Civil Court and it may not be proper to maintain the writ petition on the same cause of action.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2.The Zonal Officer - Zone VII (Ambattur),
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Chennai - 600 053.

3.The Executive Engineer,
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MTH Road, Ambattur,
Chennai - 600 053.

4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone VII (Ambattur) Ward 82,
MTH Road, Ambattur,
Chennai - 600 053.

+1cc to Mr.J.R.K.Bhavanantham,Advocate sr.11902

W.P.No.4705 of 2017

br(co)
ss(14/3/2017)



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