

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

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

W.P.No.7875 of 2017
and
WMP No 8589 of 2017

A.Amirtharaj ... Petitioner

Vs.

1 The Commissioner
Corporation of Greater Chennai
Rippon Buildings, Chennai - 600 003.

2 The Zonal Officer-X
Corporation of Chennai
Kodambakkam
Chennai - 600 024.

3 A.J.Pandian ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 and 2 not to proceed further on the basis of proceedings of the 2nd respondent made in their letter bearing Z.O.X.C.No/6567/2/2016, dated 15.07.2016 till the disposal of the petitioner's representation dated 21.03.2017 sent to respondents 1 and 2 herein within a stipulated time.

For Petitioner : Mr.P.Gunaraj

For Respondents : Mr.R.Arunmozhi
for respondents 1 and 2

ORDER

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

Mr.R.Arunmozhi, learned counsel takes notice for respondents 1 and 2. Notice to the third respondent is dispensed with.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondents 1 and 2 not to proceed further on the basis of proceedings of the 2nd respondent made in their letter bearing Z.O.X.C.No/6567/2/2016, dated 15.07.2016 till the disposal of the petitioner's representation dated 21.03.2017 sent to respondents 1 and 2 herein.

3. It is the case of the petitioner that based on the order passed by this Court in W.P.No.37697 of 2015 directing to remove encroachments, a notice has been issued to the third respondent (brother of petitioner) to remove the encroachment. The petitioner claims to be the owner of the property and alleges that notice has been wrongly issued to the third respondent. The petitioner sent a reply to the said notice on 21.3.2017. However, no order has been passed till date. Apprehending that the respondent authorities would take steps to remove the encroachment, the present writ petition is filed for the relief stated supra.

4. Considering the facts and circumstances of the case and the specific plea of the petitioner that notice has been wrongly issued to the third respondent even though the petitioner is the owner of the property, we direct the respondent authorities to consider the grievance of the petitioner as expressed in his representation dated 21.3.2017 and thereafter, issue fresh notice to the petitioner and pass appropriate orders in accordance with law within three months therefrom, of course after affording an opportunity of hearing to the petitioner. We make it clear that till the said exercise is completed, the respondent authorities shall not take any coercive action against the petitioner.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.8589 of 2017 is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1 The Commissioner
Corporation of Greater Chennai
Rippon Buildings, Chennai - 600 003.

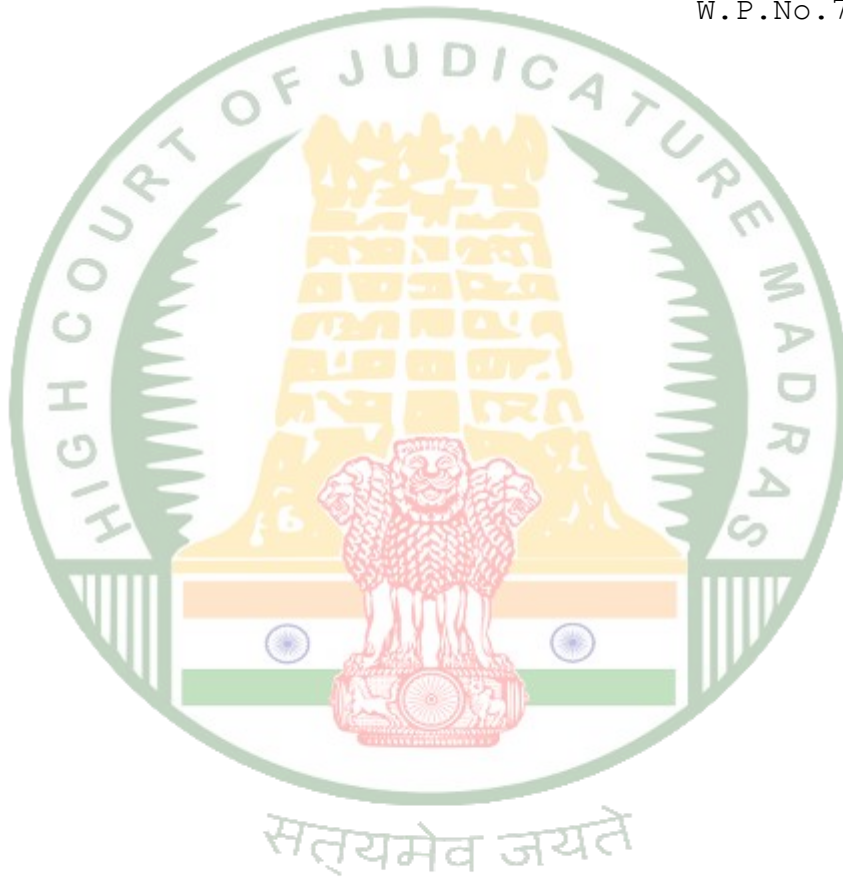
2 The Zonal Officer-X
Corporation of Chennai
Kodambakkam
Chennai - 600 024.

+1 CC to Mr. P. Gunaraj, Advocate sr 19901

+1 CC to M/s. R. Arunmozhi, Advocate sr 19945

W.P.No.7875 of 2017

NMI (CO)
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