

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.10515 & 24450 of 2015

and

M.P.Nos.1 and 2 of 2015

W.P.No.10515 of 2015:

A.V.Radhakrishnan .. Petitioner

-vs-

1.The Commissioner,
Corporation of Chennai,
Chennai-600 003.

2.The Executive Engineer,
Ward X, Corporation of Chennai,
Chennai-600 024.

3.The Zonal Officer,
Ward X, Corporation of Chennai,
Chennai-600 024.

4.G.Paul pandian

5.C.Dorairaj

6.O.Abhay Kumar

7.P.Vinu

.. Respondents

(Respondent Nos.4 to 6 impleaded as per the
order dt. 1.7.2015)

(Respondent No.7 impleaded as per the order
in M.P.No.4 of 2015, dt. 09.1.2017)

W.P.No.24450 of 2015

P.Vinu

.. Petitioner

-vs-

- 1.The Corporation of Chennai,
rep. by its Commissioner,
Rippon Buildings,
Chennai.
- 2.The Area Engineer, Division No.127,
Ward X, Corporation of Chennai,
Chennai-600 024.
- 3.The Executive Engineer,
Zonal Office-X, Chennai-600 024.
- 4.The Thasildar,
Koyambedu,
Chennai-600 107.
- 5.A.V.Radhakrishnan
- 6.A.E.Panneer Selvam
- 7.Mohammed Gani

.. Respondents

Writ Petition No.10515 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records and quash the proceedings in pursuance of notice in Z.O.X/U29/C.No./383/2015 dated 06.04.2015 issued by the second and third respondents.

Writ Petition No.24450 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to remove the encroachment created by the 5th to 7th respondent obstructing the public road in T.S.No.17, Block No.33, Koyambedu village.

W.P.No.10515 of 2015

For Petitioner : Mr.Nithyaesh

For Respondents : Mr.G.Anantharangan for R1 to
R3
Mr.L.Chandrakumar for R4 to R6
Mr.T.Mohan
for M/s.A.Yogeshwaran for R7

W.P.No.24450 of 2015

For Petitioner : Mr.T.Mohan
for M/s.Yogeshwaran

For Respondents : Mr.G.Anantharangan for R1 to R3
Mr.T.N.Rajagopalan
Spl. G.P. for R4
Mr.Nithyaesh for R5

* * * * *

COMMON ORDER

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

We have heard the learned counsel for parties.

2. We are of the view that these petitions are liable to be disposed of in terms of the following directions:-

(a) Fresh demarcation exercise be carried out by the Tahsildar, Aminjikarai Taluk to demarcate the boundaries of the land of the petitioner, private respondents and what is claimed to be an encroachment by the petitioner in W.P.No.10515 of 2015.

(b) The status quo order in W.P.No.21665 of 2012 would not come in the way of carrying out such demarcation.

(c) The demarcation should be carried out on 30th January, 2017 at 11.00 A.M. and both the private parties have notice of the same, as they are represented in Court and no further notice would be required.

(d) Dependant on the fate of the demarcation exercise, if any encroachment by any party is found, action in accordance with law shall be taken and concluded within a maximum period of three months thereafter.

(e) The aforesaid would of course be subject to the fate of W.P.No.21665 of 2012 in which status quo order has been passed.

2. The writ petitions, accordingly, stand disposed of. No costs. Consequently, M.P.Nos.1 & 2 of 2015 are closed.

3. W.P.No.21665 of 2012 be listed on 18.01.2017 under the category of "Local Authorities and Land Encroachment Cases".

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bbr

To

1. The Commissioner
The Corporation of Chennai,
Rippon Buildings,
Chennai.
2. The Area Engineer, Division No.127,
Ward X, Corporation of Chennai,
Chennai-600 024.
3. The Executive Engineer,
Zonal Office-X, Chennai-600 024.
4. The Thasildar,
Koyambedu,
Chennai-600 107.
5. The Executive Engineer, Ward X Corporation
of Chennai, Chennai
6. The Zonal officer, Ward X Corporation of Chennai
Chennai-24

Copy to:

1. The Tahsildar,
Aminjikarai Taluk.
2. The Sub Assistant Registrar (Writs)
High Court, Madras - for listing W.P.No.21665 of 2012 on
18.01.2017.
3. The Section Officer
VR Section High Court Madras

+1 cc to Mr.Nithyesh Advocate sr 1954
+1 cc to Mr.A.Yogeshwaran Advocate sr 2358
+1 cc to Government Pleader sr 2046
+1 cc to Mr.G.Anantharangan Advocte sr 1963

W.P.Nos.10515 of
2015 &24450 of 2015

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