

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9885 of 2017
and
WMP.No.10884 of 2017

M.Balasundaram
Petitioner

...

Vs.

1. The Commissioner
Avadi Municipality,
Avadi, Chennai - 54.

2. The Tahsildar,
Avadi Taluk,
Avadi, Chennai - 54.

3. The Town Surveyor,
Avadi Municipality,
Avadi, Chennai - 54.

4. The Deputy Commissioner of Police,
(Law & Order)
Avadi, Chennai - 54.

5. The Assistant Commissioner of Police,
Avadi, Chennai - 54.

6. The Inspector of Police
HVF Police Station, Avadi,
Chennai - 54.

7. Dr.R.Rangarajan,
Chairman, Veltech University,
Vellanoor, Avadi, Chennai - 54.

...

Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 4 to 6 to give police protection to the petitioner to proceed with the on going construction in S.Nos.327/1 and 327/3 in Kovilpathagai Village, Avadi Revenue Taluk, Tiruvallur District, in accordance with building permission and approved

plan in P.P.No.302/16/F2 dated 29.7.2016 issued by Avadi Municipality.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.K.Balamurugan

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents 4 to 6 to give protection to the petitioner to proceed with the on going construction in S.Nos.327/1 and 327/3 in Kovilpathagai Village, Avadi Revenue Taluk, Tiruvallur District, in accordance with building permission and approved plan in P.P.No.302/16/F2 dated 29.7.2016 issued by Avadi Municipality.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3.This Court, by an order dated 21.02.2017 has directed the respondents 1 to 3 therein to consider the representation of the seventh respondent (who is the petitioner therein) dated 21.01.2017 by issuing summons to the petitioner and giving him an opportunity of hearing and to take necessary action in accordance with law.

4. According to the learned counsel for the petitioner, no enquiry has been conducted as directed by the Division Bench of this Court.

5. The learned counsel for the respondent would submit that the enquiry date came to be fixed and the petitioner did not appear.

6. But, the learned counsel for the petitioner would submit that no such summon has been served on him.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, the second respondent is directed to conduct fresh enquiry as directed by the Division Bench of this Court, after giving due opportunity to the petitioner as well as the seventh respondent and the same shall take place on 10.05.2017.

8.The writ petition is disposed of accordingly. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

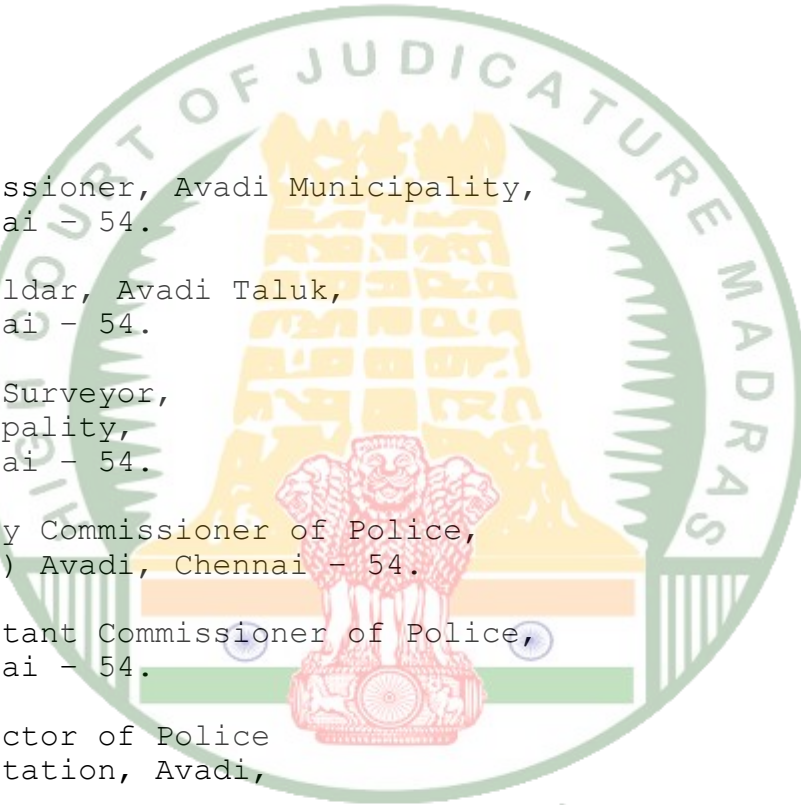
arr
To

1. The Commissioner, Avadi Municipality,
Avadi, Chennai - 54.
2. The Tahsildar, Avadi Taluk,
Avadi, Chennai - 54.
3. The Town Surveyor,
Avadi Municipality,
Avadi, Chennai - 54.
4. The Deputy Commissioner of Police,
(Law & Order) Avadi, Chennai - 54.
5. The Assistant Commissioner of Police,
Avadi, Chennai - 54.
6. The Inspector of Police
HVF Police Station, Avadi,
Chennai - 54.

+1cc to M/s.D.Rajagopal, Advocate for the petitioner sr.36491

+1cc to Government Pleader sr.36578

kj (co)
ss (3/5/2017)



WEB COPY

W.P.No.9885 of 2017