

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.31581 of 2017

Smt.Hemalatha

... Petitioner

Vs.

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

2.The Assistant Commissioner,
Zone-I,
Corporation of Chennai,
Thiruvettriur,
Chennai-600 019.

3.The Tahsildar,
Thiruvettriur,
Chennai-600 019.

4.K.Sundaramoorthy
5.Santhakumari

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the third respondent herein to dispose of the representation dated 03.07.2017 with in the stipulated period prescribed by this Court.

For Petitioner : Mr.R.K.Ramaiah
For Respondents : Mr.A.Nagarajan for R1 & R2
Mrs.M.E.Rani Selvam, AGP for R3

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, this writ petition is taken up for final disposal.

2.The petitioner, in the affidavit and additional affidavit filed in support of the writ petition, would aver that her mother-in-law was allotted Plot No.10, present S.No.83/2, Ekavalliamman Koil Street vide proceedings of the Collector dated 19.03.1980 in R.C.No.16091/80 N2 and the Special Tahsildar dated 23.11.1979 in R.C.No.1689/79C and claims to be in possession and enjoyment of the said property for very many years. It is the claim of the petitioner that the petitioner's family as well as the residents of the locality are using the common pathway in S.No.83/2, Ekavalliamman Koil Street, on the western side of their residence for the past 80 years and it is the common passage for the residents of the locality to have ingress and egress to their residences. However, all of a sudden, the respondents 4 and 5 had encroached upon a portion of the said pathway and started putting up superstructure without obtaining any planning permission and in this regard, the petitioner has submitted a representation dated 03.07.2017 to the third respondent and a copy marked to the Collector, Tiruvetriyur District as well as to Tiruvetriyur Police station and despite receipt of the same, no orders have been passed and taking advantage of the same, the respondents 4 and 5 have proceeded with the superstructure in order to block the common path way in its entirety and hence, the petitioner prays for appropriate orders.

3. Heard the submissions of Mr.A.Nagarajan, learned Standing Counsel who accepts notice on behalf of the respondents 1 and 2 and Mrs.M.E.Rani Selvam, learned Additional Government Pleader who accepts notice on behalf of the third respondent.

4. This Court has considered the rival submissions and also perused the entire materials placed before it.

5. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances, and without going into the merits of the claim projected by the petitioner, directs the Zonal Officer, Zone-1, Corporation of Chennai, Thiruvotriyur, Chennai-19 as well as the third respondent to cause inspection of the lands in S.No.83/2, Ekavalliamman Koil Street, which is said to be a common pathway, after putting up the petitioner as well as the respondents 4 and 5 on notice, within a period of four weeks from the date of receipt of a copy of this order and depending upon the results of the same, the Zonal Officer, Zone-1, Corporation of Chennai, Thiruvotriyur, Chennai-19 as well as the third respondent shall take appropriate action in accordance with law and pass appropriate orders and communicate the decision taken, to the petitioner as well as the respondents 4 and 5, within a further period of eight weeks thereafter.

6. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS -III)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Assistant Commissioner,
Zone-I, Corporation of Chennai,
Thiruvettriur,
Chennai-600 019.

3.The Tahsildar,
Thiruvettriur,
Chennai-600 019.

+ 1 cc to the Government Pleader Sr.89690

+ 1 cc to M/s. R.K. Ramaiah, Advocate SR.88891

W.P.No.31581 of 2017

SS(CO)
EU(05/01/2018)

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