

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.1170 of 2017

P. Muruganandam

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary
Revenue Department
Secretariat Chennai - 600 009.
- 2.The District Collector
Kancheepuram District
Kancheepuram.
- 3.The Commissioner (Executive Officer)
Anakaputhur Municipality
Anakaputhur, Chennai - 600 070.
- 4.C.C.Builders Pvt. Ltd.
Represented by its Proprietors
No.4/45, Pillaiyar Koil Street
Cantonment Pallavaram
Chennai - 600 043.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 3rd respondent to conclude the enquiry initiated against the 4th respondent under Section 205 (1) (2) and (3) of the Tamil Nadu Municipality Act 1920 and to take appropriate action on the 4th respondent and further to repossess the municipality road and sewage trench illegally encroached by the 4th respondent.

For Petitioner

: Mr.D.Asenthamani

For Respondents

: Mr.M.K.Subramanian
Government Pleader
for respondents 1 to 3

ORDER

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

The grievance of the petitioner is that while the civil suits instituted pertain to allegation against the fourth respondent of endeavouring to lay a road on their land, the notices issued by the respondent authority under Section 205 of the Tamil Nadu Municipality Act pertain to the unauthorized construction made contrary to the building sanction plan. It is, thus, submitted that there is no reason why, as informed under the Right to Information, the respondent authorities should be awaiting the decision of the suits filed by the petitioner and other affected residents qua the road.

2. We direct the respondent authorities to examine the aforesaid issue in the conspectus of the representation made by the petitioner dated 27.10.2016 and to take a decision in accordance with law, after notice to all concerned, by concluding the proceedings already initiated within a maximum period of three months from the date of receipt of the order.

The petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1.The Secretary to Government
State of Tamil Nadu
Revenue Department
Secretariat, Chennai - 600 009.

2.The District Collector
Kancheepuram District
Kancheepuram.

3.The Commissioner (Executive Officer)
Anakaputhur Municipality
Anakaputhur, Chennai - 600 070.

+lcc to Mr.D.Asenthamani, Advocate, S.R.No.3563

+lcc to the Government Pleader, S.R.No.3755

W.P.No.1170 of 2017

SV(CO)
CA(30/01/2017)