

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2017

CORAM :

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

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.14719 & 15386 of 2015
and

M.P.Nos.1 of 2015

W.P.No.14719 of 2015

R.Gopalakrishnan

... Petitioner

-Vs-

1. Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.
2. Executive Engineer,
Zone No.14 (Kottivakkam)
Corporation of Chennai,
Tiruvanmiyur, Chennai-41.
3. Assistant Executive Engineer,
Unit-41 (Kottivakkam)
Corporation of Chennai,
Tiruvanmiyur, Chennai-41.
4. Assistant Engineer,
Division 183 (Kottivakkam)
Corporation of Chennai,
Tiruvanmiyur, Chennai-41.
5. The President,
Raja Garden,
Kalyani Nagar & Karpagambal Nagar
Welfare Association,
2/173, Raja Garden 2nd Street,
East Coast Road, Kottivakkam,
Chennai-600 041.

... Respondents

(Respondent No.5 impleaded as per the order
dt.30.6.2016 in WMP.No.16954/2016)

W.P.No.15386 of 2015

P.Ponthangavelu

... Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Chennai.
2. The Assistant Executive Engineer,
Zonal Office No.14,
Corporation of Chennai,
Kottivakkam, Chennai-600 041.
3. The Tahsildar,
Taluk Office,
Sholinganallur,
Chennai-600 119.
4. Inspector of Police,
Neelangarai Police Station,
Neelangarai.
5. Gopalakrishnan

.... Respondents

Writ Petition No.14719 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the proceedings of the respondents 2 to 4 dated 24.4.2015 a notice issued under Section 220 of Madras City Municipal Act, IV of 1919 in respect of the wall of 8 feet x 6 feet in between Raja Garden 2nd street (in Survey No.232) and Venkateswara Garden Road (Survey No.238/4C1 A1 and 238/4D1A), Kottivakkam village, Division No.183, Unit No.41, Zone No.14 and quash the same.

Writ Petition No.15386 of 2015 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the 5th respondent for blocking the road by constructing the wall between Raja Garden, 2nd Street and Venkateswara Garden, Kottivakkam, Chennai.

For Petitioner : Mr.K.Sukumaran
in W.P.No.14719/2015

Mr.S.Sethuraman
in W.P.No.15386/2015

For Respondents : Mr.V.C.Selvasekaran for
R1 to R4 in W.P.14719/2015

Mr.G.Senthilkumar for R5
in W.P.14719/2015

Mr.Saravanan for R1 & R2
in W.P.15386/2015

Mr.T.N.Rajagopalan
Spl. G.P. for R3 & R4 in
in W.P.15386/2015

Mr.K.Sukumaran for R5 in
W.P.15386/2015

COMMON ORDER

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

There are two counter petitions arising from the wall in question being removed and the prayer being made not to put up the wall. The relief of interim injunction has really become infructuous, as it is alleged that out of 6 feet wall, 4 feet wall has already been removed, by the time the interim order was served.

2. Faced with the aforesaid position, the learned counsel for the Corporation states that an inspection will be caused of the area in question, after notice to all concerned, including the two sets of the petitioners and a final decision will be taken in respect of the arrangement which has to prevail. The exercise be undertaken and concluded within a maximum period of three months of the receipt of the copy of this order.

3. The Tahsildar, Sholinganallur/respondent No.3 in W.P.No.15386 of 2015 along with the Surveyor will give the assistance for demarcation purpose.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Chennai.
2. The Assistant Executive Engineer,
Zonal Office No.14,
Corporation of Chennai,
Kottivakkam, Chennai-600 041.
3. The Tahsildar,
Taluk Office,
Sholinganallur,
Chennai-600 119.
4. The Inspector of Police,
Neelangarai Police Station,
Neelangarai.
5. The Executive Engineer,
Zone No.14 (Kottivakkam)
Corporation of Chennai,
Tiruvanmiyur, Chennai-41.
6. Assistant Engineer,
Division 183 (Kottivakkam)
Corporation of Chennai,
Tiruvanmiyur, Chennai-41.

+lcc to Mr.K.Sukumaran, Advocate, S.R.No.2338
+lcc to Mr.S.Saravanan, Advocate, S.R.No.2450
+lcc to the Government Pleader, S.R.No.2474

सत्यमेव जयते

W.P.Nos.14719 & 15386 of 2015

UG(CO)
CA(20/01/2017)

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