

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH
and

THE HONOURABLE Mr. JUSTICE M.SUNDAR

W.P.No.23104 of 2017

B.Santhakumar

... Petitioner

Vs.

1.The Commissioner,
Greater Corporation of Chennai,
Corporation Office,
Chennai.

2.Swaminathan

3.State Highways,
Highways Department,
Chennai.

... Respondents

(Respondent No.3 impleaded as per the
order dt.30.10.2017 in WMP.No.28805 of 2017)

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to remove the encroachments on the Chennai-Thiruvallur High Road at Door No.249-250, MTH Road, Chennai-49 and other encroachment on the road in view of the petitioner's representation dated 21.07.2017.

For Petitioner : Mr.S.Srinivasa Narayanan

For Respondents : Mr.V.C.Selvasekaran for R1

Mr.R.Vijayakumar

Addl. Government Pleader for R3

No-Appearance for R2

O R D E R

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

This writ petition has been filed, as public interest litigation, with a prayer to mandamus the first respondent to remove alleged encroachments on Chennai-Thiruvallur High Road at Door No.249-250, MTH Road, Chennai-49.

2. When the matter last came up for hearing on 01.09.2017 before a Division Bench of this Court, it was informed that the land in question belongs to the State Highways Department and therefore, the Division Bench directed the petitioner to implead the State Highways Department as party respondent in this writ petition. The petitioner has filed WMP.No.28805 of 2017 for impleading the State Highways Department as respondent No.3. By a separate order, we have allowed the said miscellaneous petition (WMP.No.28805 of 2017) today.

3. Mr.R.Vijayakumar, learned Additional Government Pleader, accepts notice on behalf of respondent No.3. Mr.V.C.Selvasekaran, learned standing counsel accepts notice on behalf of the first respondent.

4. It is seen that the writ petitioner sent a representation dated 21.07.2017, which is filed as part of the typed set of papers. It is also seen that the said representation has been sent only to respondent No.1 before us i.e., the Commissioner, Greater Corporation of Chennai, Chennai.

5. In the light of the aforesaid narrative, it now becomes necessary for the writ petitioner to address both the respondents 1 and 3 before us.

6. Therefore, the following order is passed:

(a) Writ petitioner shall send a fresh representation to both respondent Nos.1 and 3 with regard to his plea for removal of the alleged encroachments on Chennai-Thiruvallur High Road at Door No.249-250, MTH Road, Chennai-49 within a fortnight from the date of receipt of a copy of this order.

(b) On receipt of the representation as aforesaid, respondent Nos.1 and 3 shall dispose of the representation in a manner known to law within a period of four weeks from the date of receipt of representation.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Commissioner,
Greater Corporation of Chennai,
Corporation Office,
Chennai.

2.State Highways,
Highways Department,
Chennai.

+1 cc to Govt Pleader sr 76937

+1 cc to Mr.Srinivasa Narayanan Advocate sr 76653

W.P.No.23104 of 2017

kji(co)
aa04/12/2017

सत्यमेव जयते

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