

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.24051 of 2017
and WMP.Nos.25374 & 25375 of 2017

D.M.Prakash Petitioner
Vs.

- 1.The Commissioner
Corporation of Greater Chennai
Rippon Buildings
Chennai.
- 2.The Commissioner
Hindu Religious and Charitable Endowments
Chennai.
- 3.Ramesh
R.P. Waster Paper Mart
Door No.15/7, Muthiah Street,
Vellala Teynampet,
Chennai - 600 086.
- 4.The Executive Engineer
Division 118, Zone 9
No.1/4th Cross Street
Nungambakkam,
Chennai - 600 034.
- 5.The Joint Commissioner and Executive Officer
Arulmighu Varasakthi Vinayagar Thirukoil
Hindu Religious and Charitable Endowments
Chennai - 600 034. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the second respondent to take all steps to remove the encroachment put up by the third respondent in premises comprised in No.15/7, Muthiah Street, Vellala Teynampet, Chennai

- 600 086 and also to direct the first respondent to take all steps to remove the waste, rubbish, garbage and filth dumped by the third respondent on to Muthiah Street, Vellala Teynampet, Chennai - 600 086 and to take all action to prevent the deposition, collection or accumulation of such rubbish, garbage or filth on the said street.

For Petitioner : Mr.Richardson Wilson

For Respondents : Mr.M.Maharaja,
Special Govt. Pleader (H.R.& C.E.)
for R2 and R5

Mr.K.Soundararajan for R1 and R4

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN,J.]

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

2. The grievance of the petitioner is that the third respondent is carrying on business of waste materials, papers, bottles, medical wastes etc., and indiscriminately dumping the waste materials in front of the petitioner's shed and house. The petitioner would further aver that the third respondent is an encroacher and despite the said fact being brought to the knowledge of the respondents 1 and 2, no action has been taken by the said officials and therefore, he is constrained to file this writ petition before this Court.

3. While the writ petition was entertained on 07.09.2017, photographs have been produced and the learned Standing Counsel appearing for the Corporation of Chennai undertakes to do the needful to abate the nuisance and if necessary, lodge a criminal complaint against the third respondent, and this Court, recording the said submissions, vide its order dated 07.09.2017, has directed the respondents 1 and 2, to see to it that the third respondent under the garb of Waste Paper Mart, cannot throw out any wastages or pilferages on the road and that the duty is also cast upon the respondents 1 and 2, to maintain the public roads in a clean and sanitary manner. The matter was again listed on 23.10.2017 and Mr.M.Maharaja, learned Special Government Pleader (H.R. & C.E.) appearing for the respondents 2 and 5 sought time to get instructions as to the initiation of action under Section 78 of the Hindu Religious and Charitable Endowments Act.

4. When the matter is listed today, Mr.M.Maharaja, learned Standing Counsel appearing for HR&CE Department would submit that initiation of action under Section 78 of the HR&CE Act is under process and the said proceedings will be concluded as expeditiously as possible with regard to the encroachment on the part of the third respondent.

5. Further, the learned Standing Counsel appearing for the Corporation of Chennai would submit that they are duty bound to maintain the streets and public roads in clean, hygienic and in sanitary manner and they would continue to do the same and monitoring will also be done and the said submission, on instructions, is placed on record.

6. Though the third respondent is served and his name is printed in the cause-list, there is no representation on his behalf.

7. In the light of the above facts and circumstances, no further orders is necessary and hence, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

ds

To:

- 1.The Commissioner
Corporation of Greater Chennai
Rippon Buildings
Chennai.
- 2.The Commissioner
Hindu Religious and Charitable Endowments
Chennai.

3.The Executive Engineer
Division 118, Zone 9
No.1/4th Cross Street
Nungambakkam,
Chennai - 600 034.

4.The Joint Commissioner and Executive Officer
Arulmighu Varasakthi Vinayagar Thirukoil
Hindu Religious and Charitable Endowments
Chennai - 600 034.

+1cc to Mr.K.SOUNDARARAJAN, Advocate, S.R.No. 83507
+1cc to Mr.RICHARDSON WILSON Advocate, S.R.No. 83035
+1cc to the Government Pleader, S.R.No. 83471

W.P.No.24051 of 2017

RK(CO)
TR(14/12/2017)



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