

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

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

W.P.No.1427 of 2017

P.Lathalakshmi

... Petitioner

Vs.

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

2. The Assistant Commissioner
No.7, Zone Corporation of Chennai
Ambattur Municipality Building
Chennai-600 053.

3. The Tahsildar
Ambattur Taluk
Ambattur, Chennai-600 053.

4. The Town Land Surveyor
Korattur Town
Ambattur Taluk
Ambattur.

5. Shenbbagavalli

6. M.Karthikeyan

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 1 to 4 to comply with the letter issued by the 2nd respondent to the petitioner vide Ma.Aa.Na.Ka.No.9930/2014, dated 20.1.2015 within a stipulated time.

For Petitioner

: Mr.T.P.Prabakaran

For Respondents

: Mr.V.C.Selvasekaran

for respondents 1 and 2

Mr.R.Vijayakumar

Additional Government Pleader

for respondents 3 and 4

ORDER

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

The petitioner has been complaining since the year 2010, initially to the erstwhile Ambattur Municipality and thereafter to the Corporation (in which the Municipality merged), alleging that respondents 5 and 6 had encroached on the road, but the same has seen no result.

2. A perusal of the typed set of documents shows that on 20.11.2013, in pursuance of information sought under the Right to Information Act, the petitioner was informed that notices were issued to plot owners in 2013 and follow up action will be taken. A communication from the Appellate Authority/Zonal Officer of the Corporation to the petitioner dated 20.1.2015 refers to the fact that the area in question is an unapproved colony and thus they would need the assistance of the Surveyor to measure the road. It appears that even thereafter nothing has happened.

3. This is the nth case which we are noticing where the authorities keep on procrastinating and are not taking action in accordance with law compelling the aggrieved party to approach the court. This results in unnecessary expenses for the aggrieved party apart from burdening the Court with administrative issues dealing with municipal governance.

4. We, thus, once again direct the Commissioner/first respondent to look into the matter personally and to fix responsibility for inaction.

5. We further direct that the site will be inspected by the third respondent with the assistance of the fourth respondent within fifteen days of the receipt of the order and the survey report will be forwarded to the second respondent. In case of encroachment being found, action in accordance with law will be taken after notice to all concerned and concluded within a maximum period of two months thereafter.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sasi

To:

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003.

2.The Assistant Commissioner
No.7, Zone Corporation of Chennai
Ambattur Municipality Building
Chennai-600 053.

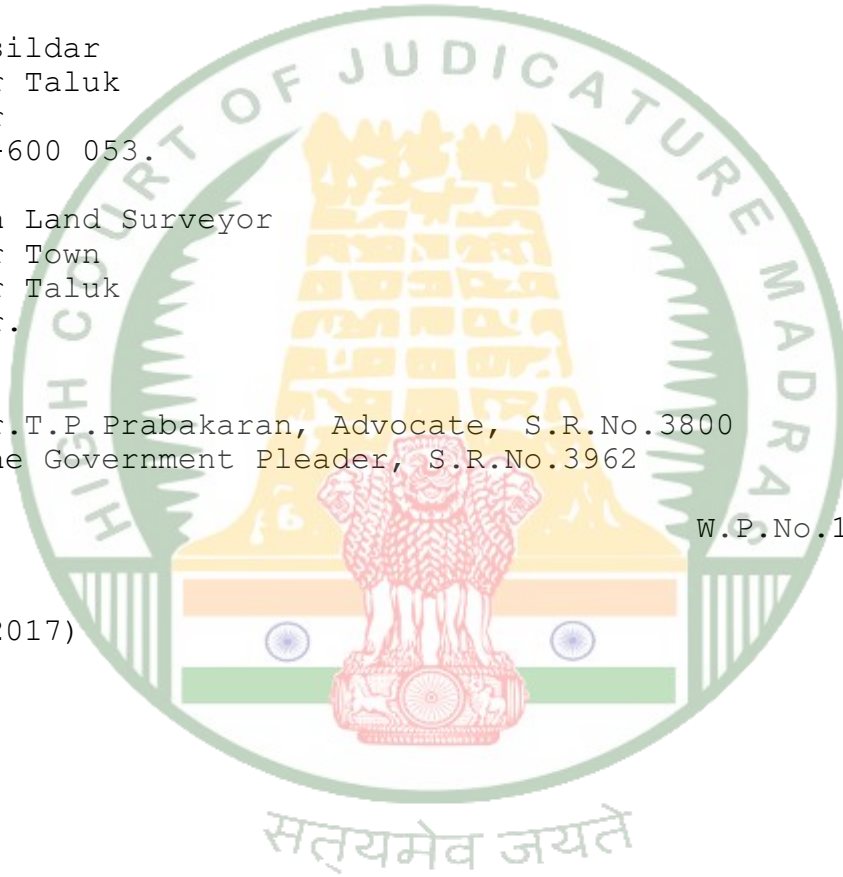
3.The Tahsildar
Ambattur Taluk
Ambattur
Chennai-600 053.

4.The Town Land Surveyor
Korattur Town
Ambattur Taluk
Ambattur.

+lcc to Mr.T.P.Prabakaran, Advocate, S.R.No.3800
+lcc to the Government Pleader, S.R.No.3962

W.P.No.1427 of 2017

CA(CO)
CA(31/01/2017)



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