

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.24970/2017

S.Thiagarajan

Petitioner

Versus

1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2 The Commissioner of Police
Greater Chennai, Vepery,
Chennai 600007.

3 The Assistant Commissioner
Corporation of Chennai,
Zone-V, Basin Bridge Road
Chennai 600 021.

4 The Executive Engineer,
Corporation of Chennai,
Zone-V, Basin Bridge Road
Chennai 600 021.

5 Mr.Gowtham

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing 3rd respondent to remove the Sri Dosai Shop running without any license from the 1st respondent situated opposite to the petitioner's house at No.120, Mint Street, Sowcarpet, Chennai 600 079, by encroaching the land belonging to the Chennai Corporation by keeping gas cylinders.

For Petitioner : Mr.K.Kannan

For R1 to R4 : Mr.A.Nagarajan

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of the respondents 1 to 4.

2 The petitioner would state that he is a resident of Door No.1/120, Anna Pillai Street, Sowcarpet, Chennai-79, along with his family and is working as the Inspector, Commercial Tax Department and according to him, right opposite to his house, in the premises bearing Door No.120, Mint Street, Sowcarpet, Chennai-79, the 5th respondent is running an Eatery. It is the specific case of the petitioner that it is an encroachment upon the Corporation land and without obtaining any proper licence and not adhering to the relevant statutory norms, is carrying on the business and thereby, causing nuisance and though personal representation has been made to the concerned officials of the Corporation of Chennai, no action has been taken to abate the said nuisance and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner would submit that a complaint has also been given to the Commissioner of Police, Greater Chennai City, Chennai-7, and despite very many personal representations, the concerned officials of the Corporation of Chennai have failed to respond to the same and hence, the petitioner, left with no other option, has filed the present writ petition.

4 The Court heard the submissions of Mr.A.Nagarajan, learned Standing counsel appearing for the respondents 1 to 4 and perused the materials placed before it.

5 Though the petitioner had prayed for a larger, relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a representation to the Zonal Officer, Zone-V, Corporation of Chennai, Basin Bridge Road, Chennai 600 021, as to the alleged nuisance caused by the 5th respondent within a period of two weeks from the date of receipt of a copy of this order and the said official, on receipt of the same, shall put the 5th respondent on notice and thereafter, consider and dispose of the petitioner's representation on merits and in accordance with law and pass

appropriate orders within a further order of four weeks thereafter and communicate the decision taken, to the petitioner as well as to the 5th respondent herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP
To

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.
- 2 The Commissioner of Police
Greater Chennai, Vepery,
Chennai 600007.
- 3 The Assistant Commissioner
Corporation of Chennai,
Zone-V, Basin Bridge Road
Chennai 600 021.
- 4 The Executive Engineer,
Corporation of Chennai,
Zone-V, Basin Bridge Road
Chennai 600 021.

Copy to:-

The Zonal Officer
Corporation of Chennai
Zone-V, Basin Bridge Road,
Chennai 600 021.

+1cc to M/s.K.Kannan, Advocate sr.68077
+1cc to M/s.A.Nagarajan, Advocate sr.68485

WP.No.24970/2017

rsk(co)
ss(21/9/2017)