

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.25606/2017

Mrs.J.Shanthi

Petitioner

Versus

1 The District Collector
Thiruvallur District.

2 The Commissioner
Corporation of Chennai
Chennai.

3 The Tahsildar
Madhavaram Taluk.

4 Mr.Babu

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the unauthorized encroachment on 40 feet Road of the layout which was gifted by the petitioner to Corporation for public use and adjoining the petitioner's land by considering the petitioner's representation dated 07.09.2017.

For Petitioner : Ms.T.Ramadevi

For R1&R3 : Mr.A.N.Thambidurai, Spl.GP

For R2 : 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.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 3 and

Mr.A.Nagarajan, learned Standing counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner, in the affidavit filed in support of this writ petition would aver among other things that she is the absolute owner of the land comprised in Survey No.771, situate at Kathirvel Village, Surapet, Chennai-600 099, admeasuring to an extent of 23 Ares, which falls adjacent to the layout, viz., "Brila Avenue", which is an approved layout bearing No.111/94. The petitioner would further aver that her land is the corner land adjacent to the said layout on the eastern side abutting the Main Paper Mill Road and on the Southern side 40 feet road of the said layout and she claims right, title and possession in respect of the land through a registered Partition Deed, bearing DocNo.8921/1992 dated 05.08.1992, registered on the file of the office of the Sub Registrar, Ambattur. The petitioner also avers that the Highways Department had also acquired some portion of the land and she has also been issued with Patta bearing No.907. The grievance expressed by the petitioner is that the 4th respondent, who is the husband of Tmt.Vanitha Barnabus, former Councilor, had encroached upon the petitioner's land, admeasuring to an extent of 100 feet and the adjoining 40 feet road to an extent of nearly 100 feet and had put up a Tin Sheet Shed and despite very many representations submitted to the authorities concerned to take appropriate action to remove the same, no response is forthcoming and hence, the petitioner came forward to file the present writ petition.

3 Ms.T.Ramadevi, learned counsel appearing for the petitioner has invited the attention of this Court to the typed set of documents, especially, the photographs and would submit that though the encroachment committed by the 4th respondent on the public road, has been brought to the knowledge of the concerned officials, there is lack of response and left with no other option only, the petitioner is constrained to approach this Court by filing the above writ petition.

4 Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 and 3 would submit that action will be taken on the representation submitted by the petitioner and Mr.A.Nagarajan, learned Standing counsel appearing for the 2nd respondent would submit that the jurisdictional Zonal Officer, Zone-III / the concerned official will be instructed suitably to take action in accordance with law.

5 This Court had considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has 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, directs the Zonal Officer, Zone-3, Corporation of Chennai, No.1, Thattankulam Road, Madhavaram, Chennai-600060, in consultation and coordination with the Tahsildar, Madhavaram Taluk, to put the petitioner as well as the 4th respondent on notice and cause inspection and thereafter, take appropriate action in accordance with law, as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The District Collector
Thiruvallur District.
- 2 The Commissioner
Corporation of Chennai
Chennai.
- 3 The Tahsildar
Madhavaram Taluk.

Copy to:-

The Zonal Officer
Zone-3, Corporation of Chennai,
No.1, Thattankulam Road
Madhavaram, Chennai-600 060.

+1cc to Mr.A.Nagarajan, Advocate, S.R.No.70430
+1cc to Ms.T.Ramadevi, Advocate, S.R.No.69958

WP.No.25606/2017

CS/10/10/17