

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.6702 of 2008 and WMP.No.1 of 2008

B.Prakash Chand

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Petitioner

Versus

1. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai.

2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan Salai,
Chennai - 600 002.

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the first respondent to demolish the unauthorized bus stand and pavement existing in front of Door No.23, Duraiswami Road, Vadapalani, Chennai 600 026.

For Petitioner : Mr.Vikram
for Mr.Vikram Jain Associates.

For R1 : Mr.A.Nagarajan

For R2 : Mr.M.Chidambaram

ORDER

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

The petitioner came forward to file this writ petition directing the first respondent, to demolish the unauthorized bus stand and pavement existing in front of Door No.23, Duraiswami Road,

Vadapalani, Chennai 600 026.

2. The Learned counsel appearing for the petitioner would submit that there is a huge unauthorized bus stand measuring 20 Feet in length and 10 Feet in Wide in Duraiswami Road, Vadapalani, Chennai 600 026, and the construction came into being right in front of his building and thereby, completely blocking the ingress and egress to the building and further, the construction is put up on the road with a writing, "Gandhi Kamaraj Memorial Bus Stop" and since, it is totally an unauthorized one, it should be removed forthwith.

3. The writ petition was entertained on 18.03.2008 and notice to the respondents were ordered and when the matter was taken up for hearing on 28.07.2017, this Court having taken note of the fact that even after 13 years, the officials of the Corporation did not take any action, adjourned the matter finally, for the 1st respondent to file the status report and for that purpose, the said Corporation was put on terms and accordingly, ordered the payment of cost of Rs.10,000/- for buying equipment or for providing basic amenities to any one of the schools run by the Corporation of Chennai in that Zone and produce the evidence of the same in the form of photographs.

4. The Zonal Officer, Zone-X, Greater Chennai Corporation, Kodambakkam, Chennai - 600 024 filed a report on 26.08.2017 and in paragraph No.5 it is stated that as per the order of this Court, the Zonal Officer, Zone-X, has provided basic amenities, namely, 5 Nos. of Ceiling fan and 6 Nos. of Tube light set at a cost of Rs.10,050/- to the Chennai Corporation School, Puliyur and the Headmistress of the said school has also acknowledged the same vide her letter dated 10.08.2017.

5. The matter was once again listed on 28.08.2017 and on that day, this Court on going through the photographs found that though the unauthorised bus stand and the debris and the black board of a particular political party was still in existence, adjourned the matter to today and when the matter is listed today, the Zonal Officer, Zone-X of Greater Chennai Corporation has filed the compliance report dated 21.09.2017 and it is relevant to extract Paragraph No.3 and 4 of the report are as follows:-

"3.I respectfully submit that when the above case came up for hearing on 28.08.2017 this Hon'ble Court has pleased to direct the Greater Chennai Corporation to clear the debris in front of the petitioner premises at No.23, Duraiswami Road, Vadapalani, Chennai - 600 026 and to remove the flag post and adjourned the case to 22.09.2017 for filing report.

4.I respectfully submit that as per the direction of this Hon'ble Court the debris accumulated in front of the

petitioner premises at No.23, Duraiswami Road, Vadapalani, Chennai - 600 026 and to remove the flag post in front of the petitioner premises has also been removed and photographs were taken for your kind reference"

5. In the light of the said report, nothing survives for further adjudication in this writ petition.

6. However, it is made clear that the Zonal Officer, Zone-X of the Greater Chennai Corporation shall monitor and see to that no encroachments in any form take place on the property of the Greater Corporation of Chennai, located in front of the petitioner premises bearing Door No.23, Duraiswami Road, Vadapalani, Chennai 600 026.

6. The writ petition stands closed with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rka/msvm
To

1. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai.
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan Salai,
Chennai - 600 002.

3.The Zonal Officer, Zone -X,
Greater Chennai Corpn., Kodambakkam, Chennai-24.

+1cc to Mr.Vikram Jain Associates., Advocate, S.R.No.71496
+1cc to Mr.M.Chidambaram , Advocate, S.R.No.71009

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