

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.27706 of 2017

Mr.E.P.Samuel Jayaseelan

... Petitioner

Vs

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

2. The Tahsildhar,
Puraisaiwakkam Taluk Office,
Chennai 600 003.

3. Mrs.Geetha

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner representation dated 02.01.2017 pending on the file of the first respondent in accordance with law.

For Petitioner : Mr.A.Kavimani

For Respondents : Mr.K.Soundararajan for R1
Mr.M.Digvijaya Pandian for R2

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.K.Soundarajan, learned standing counsel accepts notice on behalf of 1st respondent and Mr.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of 2nd respondent.

2. The petitioner claims to be the absolute owner of the property comprised in Survey No.3157 and Survey No.3158, Block No.54, C.C.Number 740 part, Puraisaiwakkam - Perambur Taluk situated at No.112/179, Lakshmi Nagar, Second lane, Kilpauk, Chennai 600 010, wherein he has put a hut and residing there. The grievance expressed by the petitioner is that the 3rd respondent had encroached upon the northern side of the 10 feet common pathway and started putting up a

construction without any authorisation whatsoever and thereby causing hindrance to the petitioner as well as to other residents to use the 10 feet common path way. The petitioner on an earlier occasion filed WP.No.26896 of 2015 praying for a writ of Mandamus, directing the 2nd respondent herein and the Tahsildhar, Puraisaiwakkam Taluk Office to consider and dispose of his representation dated 17.06.2015 in and by which the petitioner has sought for issuance of the sketch and since, it was not acceded to, filed the above said writ petition and this Court vide final order dated 28.08.2015, directed the 2nd respondent to take appropriate action on the said representation within a stipulated time and accordingly, in compliance of the same, the 2nd respondent has sent a communication dated 16.11.2015 in Rc.(B2)/7056/2015, informing among other things that as per the concerned records, the sketch showing the details of 3157/1 (Road area) and the Rs.No.3157/4 (property held by the individual) of Purasawalkam Village has been furnished.

3. The learned counsel for the petitioner has drawn the attention of this court to the typed set of documents as well as the photographs and would submit that in a gross violation of the norms and regulations, the 3rd respondent not only encroached upon the 10 feet common pathway but also started putting up construction without obtaining any planning permission and in this regard, a representation was submitted as early as on 02.01.2017 and though, it was received and acknowledged, so far, no orders have been passed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

5. Heard the submissions of Mr.K.Soundarajan, learned counsel appearing on behalf of 1st respondent and Mr.Digvijaya Pandian, learned Additional Government Pleader appearing on behalf of 2nd respondent and also perused the materials placed before it.

6. It is relevant to extract the details given in the communication of the 2nd respondent dated 06.11.2015 addressed to the petitioner :

Village	Purasawalkam	Purasawalkam
Block No.	54	54
R.S.No.	3157/1	3157/4
Classification	Quit Rent	Quit Rent
Extent	Caw. Gr. Sq. feet 00 08 1582	Caw. Grd. Sq.feet. 00 00 1200
Name of the owner	1. Tmt. Sumathi (1) Sathyanarayan (2) Ravindranath (3) Kavitha (4)	

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 1st respondent or the Jurisdictional Zonal Officer and the 2nd respondent to put the 3rd respondent on notice and thereafter, consider and dispose of the petitioner's representation dated 02.01.2017 on merits and in accordance with law and pass orders within a period of 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 3rd respondent.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Chennai - 600 003
2. The Tahsildhar,
Puraisaiwakkam Taluk Office,
Chennai 600 003.

+1cc to Mr.K.Soundararajan, Advocate, S.R.No.76682
+1cc to Mr.A.Kavimani, Advocate, S.R.No.77038
+1cc to the Government Pleader, S.R.No.77212

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