

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

THE HON'BLE **MR. JUSTICE K.K. SASIDHARAN**
and
THE HON'BLE **MR. JUSTICE M.V. MURALIDARAN**

**Rev.Aplw.Nos.67 to 69 of 2016
in W.P.No.4897 of 2008 and
Rev.Aplw.No.70 of 2016
in W.P.No.11406 of 2013
and W.P.No.14709 of 2015
& connected M.Ps.**

1.Revanaiah
2.Chanbasha
3.Chinna Thirupathi
4.Achchammal
5.Aadhinarayanan
6.Babu

..Applicants in Rev.Aplw.No.67/2016

1.Sekar
2.Mala
3.Hussain
4.Venkata Ramesh Babu
5.Ragu Babu

..Applicants in Rev.Aplw.No.68/2016

1.Yesu Rathinam
2.Lakshmaiah
3.Shajakhan
4.Pathma
5.Angaiah
6.Samuvel
7.Yovan
8.Yesiya Babu
9.Kadhirvel
10.Dhansekar
11.Venkatesan
12.Raji
13.Devid

..Applicants in Rev.Aplw.No.69/2016

Vs.

1.J.M.Ahmed Sirajudeen
2.R.Chandra Sekaran
3.B.Abdul Khalid

4.The Commissioner
Corporation of Chennai
Rippon Buildings
Park Town
Chennai 600 003.

5.The Zonal Officer III
Corporation of Chennai
71, Dr.Ambedkar College Road
Pulianthope
Chennai 600 012.

6.The Commissioner of Police
Egmore, Chennai 600 008.

7.The Tamil Nadu Electricity Board
By its Chairman
Anna Salai
Chennai 600 002.

8.The Chennai Metro Water Supply & Sewerage Board
Rep. by its Chairman
Chennai 600 002.

9.The Sub Registrar
Purasaiwalkkam
Chennai 600 007.

10.Yobu
11.Issac
12.Chittibabu
13.S.Kondaiah
14.Anand Rao
15.E.Venkatayya
16.Daniel
17.Abdullah
18.M.Venkataiah
19.Sheik Masthan

20.Narasayya
21.Chenna Reddy
22.B.Venkatayya
23.Ponnaiah
24.Lakshmaiah
25.C.H.Venkataya

.. Respondents in
Rev.Aplw.Nos.67,68,69/2016

1.Yobu
2.Issac
3.Yesu Rathinam
4.Sekar
5.Lakshmaiah
6.Anand Rao
7.Shajakhan
8.Pathma
9.Angaiah
10.Samuvel
11.Yovan
12.Yesiya Babu
13.Kadhirvel
14.Dhansekar
15.Chanbasha
16.Venkatesan
17.Hussain
18.Daniel
19.Chinna Thirupathi
20.Raji
21.Achchammal
22.Devid
23.BVenkatayya
24.Venkata Ramesh Babu
25.Ragu Babu
26.Ravanaiah
27.Aadhinarayanan
28.Babu

.. Applicants in Rev.Aplw.No.70/2016

1.T.Srinivasalu

2.The Commissioner
Corporation of Chennai
Rippon Buildings
Park Town
Chennai 600 003.

3.The Zonal Officer
Zone VI, Corporation of Chennai
Anderson Road, Ayanavaram
Chennai 600 023.

4.The District Collector
Chennai District, Chennai.

5.The Tahsildar
Perambur-Prasawalkam Taluk
Perambur, Chennai 600 011.

6.The Chennai Metropolitan Development Authority
Rep. by its Member Secretary
Gandhi Irwin Road
Egmore, Chennai 600 008.

7.The Commissioner of Police
Egmore, Chennai 600 008.

.. Respondents in
Rev.Aplw.No.70/2016

- 1.Yesu Rathinam
- 2.Sekar
- 3.Lakshmaiah
- 4.Shajakhan
- 5.Padma
- 6.Angaiah
- 7.Samuvel
- 8.Yovan
- 9.Yesiya Babu
- 10.Kadhirvel
- 11.Dhansekar
- 12.Chanbasha
- 13.Venkatesan
- 14.Hussain

15.Chinna Thirupathi
16.Raji
17.Achchammal
18.Devid
19.Venkata Ramesh Babu
20.Ragu Babu
21.Ravanaiah
22.Aadhinarayanan
23.Babu

.. Petitioners in W.P.14709/2015

v.

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

2.The Regional Deputy Commissioner
Corporation of Chennai
Rippon Building
Park Town
Chennai 600 003.

3.The Assistant Engineer
Division-71, Zone-VI
Corporation of Chennai
Perambur, Chennai 600 012.

4.The Assistant Executive Engineer/U 16
Corporation of Chennai
Jawahar Nagar
III Circular Street, Kolathur
Chennai 600 099.

5.The Executive Engineer
Zone-VI, Corporation of Chennai
Ayanavaram, Chennai 600 023.

6.The Zonal Officer
Zone-VI, Corporation of Chennai
Ayanavaram, Chennai 600 023. .. Respondents in W.P.14709/2015

Review Applications filed under Order 47 Rule 1 r/w Sec.114 C.P.C. to review the order dated 03.12.2013 in W.P.No.4897 of 2007 and W.P.No.11406 of 2013.

Writ Petition No.14709 of 2015 filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned Ref.No.

<i>S.No.</i>	<i>Name</i>	<i>Reference No.</i>
1	Yesu Rathinam	Z.O.VI.C.No.A1/86/03/AE.71/2014
2	Sekar	Z.O.VI.C.No.A1/86/04/AE.71/2014
3	Lakshmaiah	Z.O.VI.C.No.A1/86/05/AE.71/2014
4	Aslam Khan	Z.O.VI.C.No.A1/86/07/AE.71/2014
5	Pathma	Z.O.VI.C.No.A1/86/08/AE.71/2014
6	Angaiah	Z.O.VI.C.No.A1/86/09/AE.71/2014
7	Samuvel	Z.O.VI.C.No.A1/86/10/AE.71/2014
8	Yovan	Z.O.VI.C.No.A1/86/11/AE.71/2014
9	Yesiya Babu	Z.O.VI.C.No.A1/86/12/AE.71/2014
10	Kadhirvel	Z.O.VI.C.No.A1/86/13/AE.71/2014
11	Sekar	Z.O.VI.C.No.A1/86/14/AE.71/2014
12	Chandbasha	Z.O.VI.C.No.A1/86/15/AE.71/2014
13	Venkatesan	Z.O.VI.C.No.A1/86/16/AE.71/2014
14	Hussain	Z.O.VI.C.No.A1/86/17/AE.71/2014
15	Chinna Thirupathi	Z.O.VI.C.No.A1/86/19/AE.71/2014
16	Raji	Z.O.VI.C.No.A1/86/20/AE.71/2014
17	Achchammal	Z.O.VI.C.No.A1/86/21/AE.71/2014
18	Devid	Z.O.VI.C.No.A1/86/22/AE.71/2014
19	Venkata Ramesh Babu	Z.O.VI.C.No.A1/86/24/AE.71/2014
20	Ragu Babu	Z.O.VI.C.No.A1/86/25/AE.71/2014
21	Ravanaiah	Z.O.VI.C.No.A1/86/26/AE.71/2014
22	Aadhinarayanan	Z.O.VI.C.No.A1/86/27/AE.71/2014
23	Babu	Z.O.VI.C.No.A1/86/28/AE.71/2014

on the file of the 2nd respondent dated 23.12.2014 and quash the same and direct the respondents to provide alternative accommodation to the petitioners.

Review Application Nos.67 to 69/2016

For Applicants : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.J.R.K.Bhavanantham

For Respondents : Mr.N.G.R.Prasad
for Mr.P.R.Ajay Kumar (for RR1 to 3)

Mr.K.Venkatramani,
Additional Advocate General
Assisted by Mrs.Karthika Ashok
for R4 and R5
and Mr.A.Kumar, Spl.Govt.Pleader
for R6 and R9

Mr.P.R.Dhilip Kumar, for R7

Review Application No.70/2016

For Applicants : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.J.R.K.Bhavanantham

For Respondents : Mr.N.G.R.Prasad
for Ms.V.U.Bindhu (for R1)

Mr.K.Venkatramani,
Additional Advocate General
Assisted by Mrs.Karthika Ashok
for R2 and R3
and Mr.A.Kumar, Spl.Govt.Pleader
for R4, R5 and R7

W.P.No.14709 of 2015

For Petitioners : Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.J.R.K.Bhavanantham

For Respondents : Mr.K.Venkatramani,
Additional Advocate General
Assisted by Mrs.Karthika Ashok
for R1 to R6

COMMON ORDER**K.K. SASIDHARAN,J.**

These review petitions are filed by the respondents in W.P.No.4897 of 2007 and W.P.No.11406 of 2013 seeking review of the order dated 03 December 2013 directing Chennai Corporation to take follow up action to remove the encroachment, taking into account the counter affidavit filed by the local authority.

2. The petitioners in the review applications filed Writ Petition in W.P.No.14709 of 2015 challenging the notice issued by the Chennai Corporation dated 23 December 2014, calling upon them to remove the encroachment within a period of 15 days, failing which it was indicated that further action would be taken for removal of encroachment. The petitioners have come up with the review applications and writ petition contending that there is no such road as alleged by the petitioners in W.P.No.4897 of 2007 and

W.P.No.11406 of 2013 requiring removal. The notice issued by the Corporation is under challenge again on the ground that the local authority was not correct in directing removal of the encroachment without deciding as to whether there was any act of encroachment at the instance of the petitioners.

3. We have heard the learned Senior Counsel for the review applicants and the petitioners in the Writ Petition. We have also heard the learned Additional Advocate General on behalf of the Corporation of Chennai and the learned counsel for the respondents 1 to 3 in Review Application Nos.67 to 69 of 2016.

4. The respondents 1 to 3 in the Review Applications filed the writ petitions before this Court alleging that the Chennai Corporation failed to take action for removal of encroachment made on the 40' public road, now known as Jamalia Extension Road at Chennai. Before the Writ Court, the Chennai Corporation filed a counter affidavit indicating that they are in the process of removing the encroachment. The Division Bench, taking into account the submission made by the Chennai Corporation, directed the local authority to complete the exercise within a period of six months. It is the said order which is sought to be reviewed by the respondents in those writ petitions.

5. It is also a matter of record that pursuant to the order dated 03 December 2013, the Chennai Corporation issued notice to the petitioners in the review applications who are also the petitioners in W.P.No.14709 of 2013, directing removal of encroachment.

6. After hearing the learned Senior Counsel for the petitioners, learned Additional Advocate General on behalf of the Corporation and the learned counsel for respondents 1 to 3 in Review Application Nos.67 to 69 of 2016, we are of the view that interest of justice would be sub-served by directing the Corporation to decide the issue once for all after hearing all the necessary parties. The applicants in the review applications and the petitioners in the writ petition are given time till 22 May 2017 to file their response, taking into account the notice issued by the Chennai Corporation, which is challenged in W.P.No.14709 of 2015. In short, the notice challenged in W.P.No.14709 of 2015 shall be taken as show cause notice and a reply should be filed by the petitioners.

7. The Chennai Corporation is directed to consider the reply filed by the petitioners and decide the matter once for all after giving reasonable opportunity to the petitioners and the respondents 1 to 3. Such exercise shall be completed on or before

31 July 2017. The *status quo* as on today shall be maintained till the disposal of the matter by the Corporation.

The review applications and the writ petition are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

(K.K. SASIDHARAN., J.) (M.V. MURALIDARAN., J.)
19 April 2017

gms

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Park Town
Chennai 600 003.

2.The Zonal Officer III
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K.K. SASIDHARAN., J.
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