

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.24410 of 2004

P.Sivarami Reddy

.. Petitioner

Vs.

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

2. The Executive Engineer,
Corporation of Chennai,
Zone-II, Chennai-600 003.

3. C.Ramajayam,
Councillor, Ward No.15,
Kappala Poli Chetty Street,
Washermanpet, Chennai-600 021.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to remove the encroachment put up by the third respondent on the pavement in front of Door No.23, Kappalapoli Chetty Street, Washermanpet, Chennai-600 021.

For petitioner : Mr.K.Venkatasubbaraju

For respondents : Mr.P.Sundaram for R-1
Mr.V.C.Selvasekaran for R-2
Standing counsel
No appearance for R-3

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ORDER

It is represented by the learned Standing Counsel for the Corporation of Chennai that the Temple in question had been removed and that a new flat has also come up in the place in question. This submission is recorded. Nothing further survives for adjudication in the matter. It is further submitted that the area in question belongs to the petitioner and that the

petitioner has constructed the said flat. If there is any violation in construction, set-back, etc., it is open for the respondents 1 and 2 to inspect the area and ascertain as to whether the building/flat had been constructed in accordance with the plan and if it is not so, it is open for the respondents 1 and 2 to initiate action for removal of the unauthorised construction/encroachment and shall also demolish the illegal construction, if any. Any third person including the neighbours, are entitled to bring to the notice of the authorities with regard to the illegal construction/encroachment, for taking necessary action, based upon which, the authorities concerned shall act to demolish the illegal construction/remove encroachment. The authorities concerned must ensure proper set back on all sides. With these observations and direction, the Writ Petition is closed. No costs. W.P.M.P. is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The Commissioner,
Corporation of Chennai,
Chennai-600 003.
2. The Executive Engineer,
Corporation of Chennai,
Zone-II, Chennai-600 003.

MSM(CO)
GN(08/09/2017)

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