

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9201/2018 & WMP.No.11023/2018

1.R.Muthusamy

2.Mrs.Lalitha Kumar

... Petitioners

Versus

1.The Managing Director
Tamil Nadu Housing Board
493, Anna Salai, Nandanam
Chennai 600 035.

2.The Executive Engineer
Tamil Nadu Housing Board
K.K.Nagar [Division],
Near Ashok Pillar, Chennai 600 083.

3.The Assistant Executive Engineer
Tamil Nadu Housing Board
K.K.Nagar [Division],
Near Ashok Pillar, Chennai 600 083.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to dispose the petitioners representation dated 24.01.2018 to remove the unauthorised huts, pucca construction, tea stall etc., over the 10 feet road in between Bhrathi Salai and out plots No.B-54 and B-55, 10th Cross street, Kurinji Nagar, Ramapuram, Chennai-89.

For Petitioners : Mr.P.Dhananjayan
For Respondents : Mr.V.Anandamurthy

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamurthy, learned Standing counsel accepts notice on behalf of the respondents.

2 The 1st petitioner claims to be the lawful owner of the land admeasuring to an extent of 199 sq.ft., together with building, electricity connection and a well thereon, bearing MIG Plot No.B-55, and the 2nd petitioner claims to be the lawful owner of the MIG Plot No.B-54 and both the flats are situate at Kurinji Nagar, Ramapuram, Chennai-89, comprised in S.No177 [Part], Ambattur Taluk, Tiruvallur District. It is the claim of the petitioners that there is a 10 feet road between MIG Plot No.B-54 and B-55, Bharathi Salai and it is under the control of the respondents and however, few persons started encroaching upon the said road and reduced its width by putting up huts, pucca construction and a tea stall and exploiting the said road for commercial purposes. The petitioners, in this regard, also sought for information in that regard from the Tamil Nadu Housing Board, who vide communication dated 30.12.2014 in Letter No.கே.கே.ந.கோ./நி.அ.பி/3445/14, has informed that the said land has been allocated for road and it is under the control of the Local Administration Department for future expansion.

3 The learned counsel for the petitioner would submit a detailed representation dated 24.01.2018 was also submitted to the respondents 1 and 3 and in spite of receipt and acknowledgment, no response is forthcoming and hence, the petitioners are constrained to approach this Court by filing this writ petition.

4 The learned standing counsel appearing for the respondents 1 to 3 would submit that Kurinji Nagar Scheme was already implemented in Ramapuram Village in S.No.175, 176, 177 and the roads as well as parks have been handed over to the Local Administration and insofar as the road in question is concerned, the said land itself is reserved for future expansion and it will be handed over to the Highways Department.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent, to cause inspection of the Plot Nos.B51, B-54 and B-55 as well as the

road said to have been reserved for formation of the road, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, after putting the petitioners as well as the alleged encroachers on notice, take appropriate action in accordance with law within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the alleged encroachers.

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

Sd/-

Assistant Registrar (CS-viii)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Managing Director
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Copy to:-

The Secretary to Government
Government of Tamil Nadu
Municipal Administration & Water
Supply Department, Fort St George
Secretariat, Chennai 600 009.

+1cc to Mr.V.ANANDHAMURTHY, Advocate, S.R.No.28322
+1cc to Mr.P.DHANANJAYAM, Advocate, S.R.No. 27918

WP.No.9201/2018

SSD(CO)
TR(10/05/2018)