

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.9360 of 2018 &
W.M.P.No.11171 of 2018

T.Rajendran

.. Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

2.The Commissioner,
Ambattur Municipality,
Zone 7, Grater Chennai Corporation,
Chennai - 600 053.

3. The Assistant Commissioner,
Zone 7, Corporation of Chennai,
Chennai.

.. Respondents

(3rd Respondent is suo motu impleaded
as per order of this Court dated 18.04.2018)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Mandamus, direct the first respondent herein to consider the
petitioner's representation dated 02.04.2018 sent by RPAD
forthwith.

For Petitioner : Mr.A.Selvendran

For Respondents : Mr.T.C.Gopalakrishnan
Standing Counsel

O R D E R

The Assistant Commissioner, Zone-7, Corporation of Chennai,
Chennai is suo motu impleaded as third respondent.

2. Heard Mr.A.Selvendran, learned counsel for the

petitioner; Mr.T.C.Gopalakrishnan, learned Standing Counsel for the respondents and perused the records.

3. The petitioner has come forward with this Writ Petition for issuance of Writ of Mandamus directing the first respondent to consider his representation dated 02.04.2018.

4. The case of the petitioner is that his father was owning 40 cents at Kamaraj Nagar in Korattur, Chennai. The petitioner's father died leaving behind the petitioner and his sister Sulochana. After his demise, the property was partitioned through a registered partition deed dated 28.07.1988. Based on the partition deed, a 20 feet common passage is provided in their patta land.

5. The petitioner would further state that one Dickson David Raj, who is residing in Thirumullai Nagar had encroached upon the 20 feet common passage and also filed a suit in O.S.No.286 of 1999 before the District Munsif Court, Ambattur. After contest, the suit was dismissed on 10.01.2006. When the petitioner wanted to raise a compound wall, the said Dickson David Raj with the help of Commissioner, Ambattur Municipality opposed the same. So, the petitioner instituted a suit in O.S.No.261 of 2007 before the District Munsif Court, Ambattur and the suit was decreed on 18.11.2015.

6. The petitioner would allege that when the Civil Court Decree is in favour of the petitioner, the officials of the Ambattur Municipality came to his property on 20.03.2018 to demolish the compound wall. Hence, the petitioner gave a representation to the first respondent on 02.04.2018. Since no action was taken, the present Writ Petition.

7. The learned counsel for the petitioner submitted that the newly impleaded third respondent may be directed to consider the representation of the petitioner and till then, they shall not take any further action.

8. The learned Standing Counsel for the respondents submitted that the third respondent is ready to consider the grievance of the petitioner, but as on date no representation is given to him.

9. In the light of the above submissions, the petitioner is directed to give a representation to the third respondent by enclosing a copy of this order within a period of two weeks. On such compliance, the third respondent shall consider the same and pass orders, in the light of the judgments of the Civil Court, on merits and in accordance with law, after providing opportunity to all necessary parties. Till then, both the parties are directed to maintain status quo.

10. With the above observations, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.
- 2.The Commissioner,
Ambattur Municipality,
Zone 7, Grater Chennai Corporation,
Chennai - 600 053.
3. The Assistant Commissioner,
Zone 7, Corporation of Chennai,
Chennai.

+1cc to Mr.A.Selvendran, Advocate SR.No.28994
+1cc to Mr.T.C.Gopala Krishnan, Advocate SR.No.29030

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GN(01/06/2018)

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