

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.5836 of 2006

N.Thiruvengadam

...Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town,
Chennai-600 003.

2.The Executive Engineer,
Department of Roads,
Corporation of Chennai,
Rippon Buildings,
Park Town,
Chennai-600 003.

3.The Assistant Engineer,
Corporation of Chennai,
Corporation Zonal 7, Division.

4.V.Shanmugam Achary

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment on the public road in front of the property of the petitioner on Corporation Street, Purasawalkkam, Chennai-7 made by the fourth respondent.

For Petitioner : Mr.M.L.Ramesh

For Respondents-1to3 : Mr.R.Arunmozhi

For Respondent-4 : Mr.N.AW.Abdul Rahim

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 1 to 3 to remove the encroachment on the public road in front of the property of the writ petitioner on Corporation Street, Purasawalkkam, Chennai-7 made by the fourth respondent.

2. The learned counsel for the writ petitioner states that the writ petitioner is the absolute owner of the property at Old No.43, New No.52, Venkatesan Pathan Street, Purasawalkkam, Chennai-7 in Survey No.1995 R.S.No.2364 and CC No.2141 in Patta No.2364/2 in document bearing No.437 of 1997 as registered on the file of the Sub Registrar, Purasawalkkam. The property on the frontage is measuring about 60.5 square feet and before the property, a Corporation Road on the North was situated.

3. The grievance of the writ petitioner is that the fourth respondent and some other persons had encroached the Corporation area, thereby deprived the rights of the writ petitioner and the residents of that locality to use the public road conveniently.

4. The learned counsel for the writ petitioner states that though certain encroachments were removed, still some more encroachments are yet to be removed by the Corporation from that locality.

5. The learned counsel for the respondents 1 to 3 states that the Corporation filed a counter stating that one Mr.Ravichandran, who is the encroacher on the Corporation private land with a Church Shed of approximately 200 sq. ft., was already evicted on 18.2.2009 and the said eviction was published in the Newspaper "Dinamalar" on 19.2.2009. However, the learned counsel for the writ petitioner states that still the encroachments are continuing in that locality and the Corporation Officials are not taking any action in this regard.

6. This Court is of an opinion that the public properties are to be protected by the officials concerned. Corporation properties are to be maintained for the welfare of the public and more specifically, for the usage of the public at large. If the road side areas are encroached by few greedy men, it is the duty on the part of the officials of the Corporation to ensure that all such encroachments are removed and the public roads are put on usage for general public.

7. The learned counsel for the writ petitioner states that still encroachments are there and the Corporation officials

are colluding with all such encroachers and not taking actions to remove the encroachments, which all are causing nuisance and inconvenience to the people of that locality.

8. This being the representation made, the writ petitioner is permitted to submit a fresh representation, setting out all the encroachments in the nearby area to the Commissioner of Chennai Corporation, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such complaints from the writ petitioner regarding the encroachments, the first respondent-Commissioner is directed to initiate action by following the procedures contemplated under Chennai City Municipal Corporation Act and pass appropriate orders by initiating action, within a period of twelve weeks thereafter.

9. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn
To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town,
Chennai-600 003.

2.The Executive Engineer,
Department of Roads,
Corporation of Chennai,
Rippon Buildings,
Park Town,
Chennai-600 003.

3.The Assistant Engineer,
Corporation of Chennai,
Corporation Zonal 7, Division.

+1cc to Mr.M.L.Ramesh, Advocate, S.R.No.81090

W.P.No.5836 of 2006

AK(CO)
GSP(10/12/2018)