

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.9415/2018 & WMP.Nos.11234 & 11235/2018

P.Kumaran

.. Petitioner

Versus

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

2.The Chaiman,
The Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chennai 600 005.

3.The Tahsildar
Perambur Taluk, Perambur,
Chennai 600 011.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to remove the portion of encroachment made in the property better mentioned in the schedule.

Schedule

All that piece and parcel of the property being Plot No.1078 bearing Door No.576, GKM Colony 25th Street, Peravallur, Chennai 600 082, GKM Colony Scheme Area, Peravallur Village, Perambur Taluk, Chennai District comprised in Town survey No.3, Ward No.54, Block No.52, and bounded on North by:Block No.32, South by :Block No.1079, East by:Plot No.1081 and West by:25th Street and measuring East to West on the Northern

Side:60 feet ; East to West on the Southern side : 60 feet ; North to South on the Eastern Side:33 feet ; North to South on the Western side : 36 feet ; in total extent of 2071 sq.ft., within the registration District of North Chennai and Sub Registration District of Sembium.

For Petitioner	:	Mr.M.B.Mushtaque Ahamed
For R1	:	Mr.A.Nagarajan
For R2	:	Mr.S.Prabhu
For R3	:	Mr.R.Udhayakumar, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of the 1st respondent ; Mr.S.Prabhu, learned Standing counsel accepts notice on behalf of the 2nd respondent and Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the 3rd respondent.

2 The petitioner claims to be the absolute owner of the vacant site admeasuring to an extent of 2071 sq.ft., in Plot No.1078, GKM Colony Scheme Area, Door No.576, GKM Colony, 25th Street, Peravallur, Chennai-82, comprised in TS.No.3, Ward No.54, Block No.72 of the said Village, through a registered Sale Deed bearing Doc.No.3290/2008 dated 30.04.2008, registered on the file of the office of the Sub Registrar,

Sembium. The grievance expressed by the petitioner is that the officials of the Corporation of Chennai, under the guise of laying the concrete road, has encroached upon his property which still remains as a vacant site. The petitioner, in this regard, has submitted a representation dated 17.02.2016 and it was also received and acknowledge and it is followed by a reminder representation dated 31.05.2017 and despite receipt and acknowledgment, no action has been taken so far and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned Standing counsel appearing for the 1st respondent / Corporation of Chennai would submit that the area falls within the jurisdiction of Zone-VI.

4 The Court heard the submissions of Mr.S.Prabhu, learned Standing Counsel appearing for the 2nd respondent and Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the 3rd respondent and also perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the **Zonal Officer,**

Zone No.VI, Thiru Vi Ka Nagar, No.5, Anderson Road, Ayanavaram, Chennai – 600 023, to cause inspection, after putting the petitioner on notice, within period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall consider the representations dated 17.02.2016 and 31.05.2017 submitted by the petitioner and pass orders on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

[MSNJ] [PRMJ]
17.04.2018

Internet : Yes

AP

To

- 1.The Commissioner
Corporation of Chennai
Ripon Buildings, Park Town
Chennai 600 003.
- 2.The Chaiman,
The Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chennai 600 005.
- 3.The Tahsildar
Perambur Taluk, Perambur,
Chennai 600 011.

Copy to:-

The Zonal Officer,
Zone No.VI, Thiru Vi Ka Nagar,
No.5, Anderson Road,
Ayanavaram,
Chennai – 600 023.

M.SATHYANARAYANAN, J.,
AND
P.RAJAMANICKAM, J.,
AP

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