

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

W.P.No.10514 of 2018

Mr.G.Shanmugam

.. Petitioner

Versus

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

2.The Assistant Engineer,
Division No.64, Corporation of Greater Chennai
Shanthi Nagar, Kolathur,
Chennai 600 099.

3.Mr.Sekar

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 and 2 to take appropriate action and remove the encroachment of public road at Krishna Street, Thirupathy Nagar, Kolathur, Chennai 99 made by the 3rd respondent through representation dated 09.04.2018.

For Petitioner :Mr.S.P.Sudalaiyandi

For Respondents :Mr.K.Soundararajan for R1 and R2

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.K.Soundararajan, learned counsel accepts notice on behalf of respondents 1 and 2.

2. The petitioner claims to have purchased a vacant land admeasuring to an extent of 7500 sq.ft comprised in Old S.No.130/3, New T.S.No.5, Block No.37, bearing Plot Nos.10,11 and 12 situated at Venkateswara Nagar, Kolathur Village, under the Sale Deed dated 27.12.2004 vide Doc.No.12085/2004 and claims to be in possession and enjoyment of the same. The grievance

expressed by the petitioner is that even in the year 1980, the Corporation of Chennai has formulated a pucca road for public use and one such road begins from Thirupathy Nagar, 4th Main Road and it is the only access to his place. The further grievance expressed by the petitioner is that the 3rd respondent who is said to have purchased the plot in S.No.127/1, Plot No.7, situated at Krishna Street, Thirupathi Nagar Extn. Kolathur Village, had encroached upon the southern side of the 20 feet road of the Venkateswara Nagar layout and put up a pucca construction having plinth area of 2000 Sq.ft. The petitioner, in this regard, has submitted a representation dated 09.04.2018 to the respondents and inspite of receipt and acknowledgement, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing this writ petition.

3. Heard the submissions of learned counsel appearing for the petitioner and Mr.K.Soundararajan, learned Standing Counsel appearing for respondents 1 and 2.

4 Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 2nd respondent to put the petitioner as well as the 3rd respondent on notice and cause inspection of Thirupathy Nagar, 4th Main Road to find out as to the encroachment in the form of obstruction on the said road and that apart shall also cause inspection of the superstructure put up by the petitioner and the 3rd respondent and the said exercise has to be carried out within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent subject to the result of the inspection shall take appropriate action in accordance with law for removal of the alleged encroachments and unauthorized construction, if any, on the part of the petitioner as well as the 3rd respondent which is to be carried out within a further period of ten weeks thereafter and communicate the decision taken, in this regard to the petitioner as well as to the 3rd respondent.

5 The writ petition stands disposed of with the above direction. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rka/sk

To

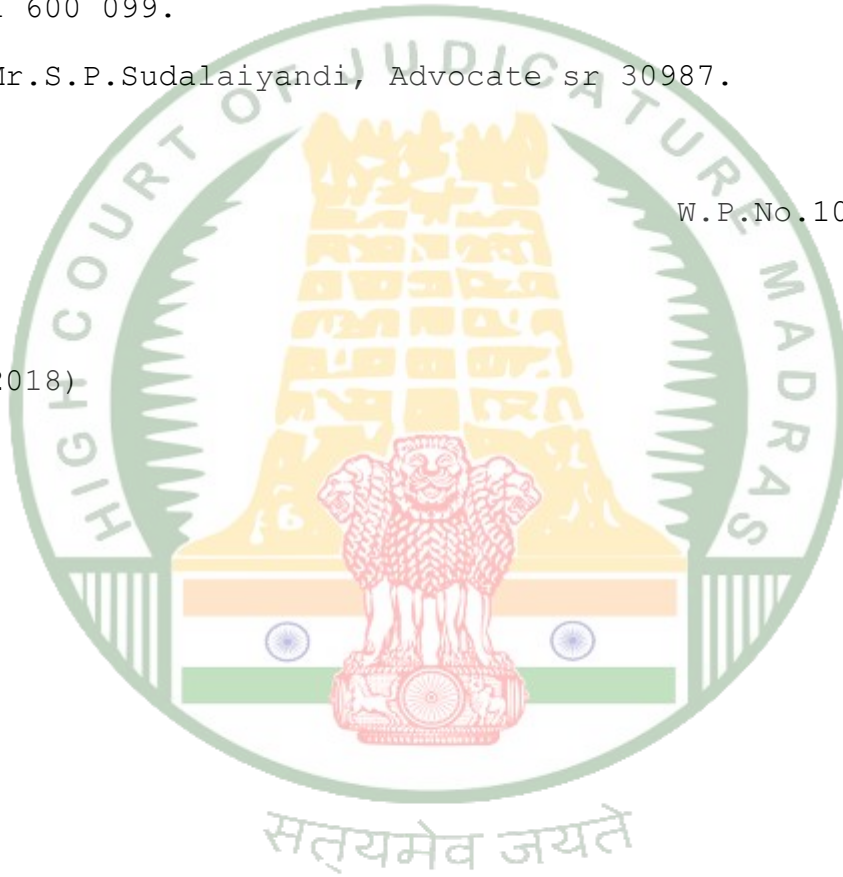
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+1 CC to Mr.S.P.Sudalaiyandi, Advocate sr 30987.

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MG(CO)
SP(24/05/2018)



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