

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.20337 of 2018 and

W.M.P.No.23887 of 2018

P.Palanivel

.. Petitioner

v.

1 The District Collector
Tiruvallur District

2 The Tahsildar
Maduravoyal Taluk
Alapakkam Porur
Chennai- 600 116

3 The Commissioner
Greater Chennai City Corporation
Ripon Buildings
Chennai-600 003

4 K.Radhakrishnan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the Respondents 1 & 3 herein to dispose the representations dated 02.11.2015, 15.02.2016 22.06.2016, 27.06.2016 and 02.08.2016 by taking appropriate actions against the 4th Respondent herein for the act of encroachments on public streets as contemplated under Chennai City Municipal Corporation Act 1919 and Land Encroachments Act 1905 by removing the encroachments on the Gramani Street, Karambakkam, Porur, Chennai, which situated within the jurisdiction of ward 150 and Zone 11 of Greater Chennai City Corporation by restoring its original condition of 15 feet width of Gramani Street, Karambakkam, Porur, Chennai.

For Petitioners : Mr.Manoharan S.Sundaram

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader I/C
for R1 & R2
Mr.K.Sounerarajan - for R3
Mr.M.k.Aseena - for R4

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents 1 and 3 to dispose the representations dated 02.11.2015, 15.02.2016, 22.06.2016, 27.06.2016 and 02.08.2016 by taking appropriate actions against the 4th respondent for the act of encroachments on public streets as contemplated under Chennai City Municipal Corporation Act 1919 and Land Encroachments Act 1905 by removing the encroachments on the Gramani Street, Karambakkam, Porur, Chennai, which is situated within the jurisdiction of ward 150 and Zone 11 of Greater Chennai City Corporation by restoring its original condition of 15 feet width.

2. It is the case of the petitioner that the 4th respondent has encroached the Gramani Street and therefore, the encroachment should be removed by the respondents 1 and 3.

3. The learned counsel appearing for the 3rd respondent submitted that the Corporation wrote a letter dated 27.08.2018 to the Tahsildar, Maduravoyal Taluk, with regard to the details of the alleged encroachment made by the 4th respondent and the 2nd respondent-Tahsildar, Maduravoyal Taluk, by letter dated 20.09.2018, informed the Assistant Executive Engineer, Corporation of Chennai that the 4th respondent has not encroached the land in Gramani Street.

4. The letter dated 20.09.2018 was also produced by the learned counsel before us.

5. On a perusal of the letter dated 20.09.2018, it is clear that the 2nd respondent has specifically stated that there is no encroachment made in the Gramani Street and the petitioner was also present at the time of inspection made by the Tahsildar, however, he refused to sign the minutes of the inspection.

6. When the 2nd respondent has categorically stated that there is no encroachment made by the 4th respondent, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Rj
To

1 The District Collector
Tiruvallur District

2 The Tahsildar
Maduravoyal Taluk
Alapakkam Porur
Chennai- 600 116

3 The Commissioner
Greater Chennai City Corporation
Ripon Buildings, Chennai-600 003

+1cc to M/s.K.Soundararajan, Advocate SR.No.89112

+1cc to M/s.M.k.Aseena, Advocate SR.No.88208

+1cc to Government Pleader SR.No.38914

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CP (CO)
GMY (08/01/2019)