

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.6945 of 2018

R.Basthu

...Petitioner

Vs.

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road, Chennai - 600 002.
2. The Superintendent Engineer (North East)
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road, Chennai - 600 002.
3. The Zonal Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
Zone-4, Central Avenue,
M.K.B. Nagar, Chennai - 600 039.
4. The Inspector of Police,
H-6 R.K. Nagar Police Station, Chennai.Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to shift the Syntex Tanks No.1461 and 1888, which is in front of the property bearing Door No.20, Plot No.32, Thiruvallur Salai, Thandhai Periyar Nagar, Korukkupet, Chennai - 600 021 with police aid.

For Petitioner : M/s.K.Bommuraj

For Respondents: Mr.N.Ramesh, Standing Counsel (for RR1 to 3)
Mr.V.Shanmuga Sundar, Spl.G.P. (for R4)

ORDER

Mr.N.Ramesh, learned Standing Counsel takes notice on behalf of the respondents 1 to 3 and Mr.V.Shanmuga Sundar, learned Special Government Pleader takes notice on behalf of the 4th respondent. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this petition to issue a Writ of Mandamus to direct the respondents 1 to 3 to shift the Syntex Tanks erected in front of the property of the petitioner.

3. The case of the petitioner is that he purchased a property bearing Door No.20, Plot No.32, in Thiruvalluvar Salai, Thandhai Periyar Nagar, Korukkupet, Chennai, by a registered sale deed, dated 15.12.1992 and registered as Document No.2553 of 1992 and the revenue records have been mutated in the name of the petitioner.

4. The petitioner would further state that taking advantage of the fact that the property was vacant, the respondents have erected two Syntex Tanks No.1461 and 1888 in front of the property of the petitioner, which prevents the ingress and egress. Hence, the petitioner sent a representation dated 07.11.2017, requesting the respondents 2 and 3 to shift the tanks. Since no action was taken, the present Writ Petition.

5. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the 3rd respondent to consider the representation of the petitioner.

6. The learned Standing Counsel for the respondents 1 to 3 submitted that the representation of the petitioner would be considered in accordance with law.

7. In the light of the limited prayer sought for in the Writ Petition and the submission of the learned Counsels on either side, this Court, without going into the merits of the case, directs the 3rd respondent to pass appropriate orders on the representation of the petitioner dated 07.11.2017, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the necessary parties.

8. With the above observation, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

pvs

To

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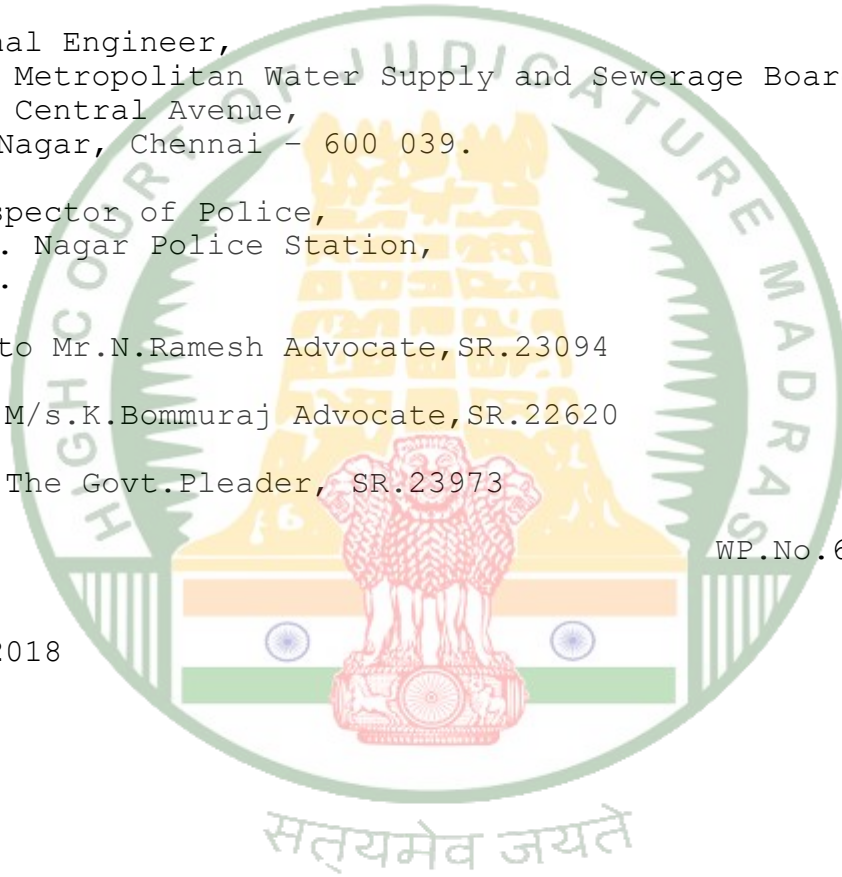
+ 1 cc to Mr.N.Ramesh Advocate,SR.23094

+ 1 cc to M/s.K.Bommuraj Advocate,SR.22620

+ 1 cc to The Govt.Pleader, SR.23973

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PPA(CO)
NR 11/04/2018



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