

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.11497 of 2018 &
W.M.P.No.13443 of 2018

Pudupettai Van Owners Association,
Represented by its President,
A.M.Senbagaraj,
No.37, South Coovum Road,
Pudupettai,
Chennai - 600 002. ... Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Revenue Division,
Rippon Buildings,
Chennai.
- 2.The Assistant Executive Engineer,
Tamil Nadu Public Works Department,
B Cannel Division, Chepauk,
Chennai -600 005. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents not to evict the petitioner Association members from Longs Garden, Pudupettai, Chennai - 600 002.

For Petitioner : Mr.R.Kalidass
For Respondents : Mr.T.C.Gopalakrishnan
Standing Counsel for R1

Mr.V.Shanmugasundar
Special Government Pleader for R2

O R D E R

Mr.T.C.Gopalakrishnan, learned Standing Counsel takes notice for the first respondent and Mr.V.Shanmugasundar, learned Special Government Pleader takes notice for the second respondent. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner-Association has filed this Writ Petition seeking direction to the respondents not to evict the petitioner's Association members from Long Garden, Pudupettai, Chennai - 600 002.

3. The learned counsel for the petitioner submitted that the Petitioner Association has about 1400 members and they have been parking their vehicles in the place in dispute for the past 20 years and the representation of the petitioner's Association dated 19.04.2018 was not considered by the respondents.

4. The learned Special Government Pleader, on instructions from the second respondent, who is present before this Court submitted that in the year 2009, encroachment in the area was removed for the purpose of implementation of Chennai River Restoration Project. Subsequently, the members of the petitioner-Association has encroached upon the property. It is further submitted that there is no license in favour of the petitioner, but they have been collecting toll fee from the owners of the vehicle without any authority.

5. At this juncture, the learned counsel for the petitioner submitted that the members of the petitioner undertake to hand over possession to the respondent-Corporation within a period of two weeks.

6. Considering the facts of this case and the submissions of the learned counsels, the Writ Petition is disposed of with a direction to the petitioner-Association to hand over possession to the respondents on or before 15.05.2018. No costs. Consequently, connected miscellaneous petition is closed.

7. Post the matter for 'reporting compliance' on 05.06.2018.

Sd/-

Assistant Registrar (CS II)

//True copy//

Sub Assistant Registrar

r n s

To

1. The Commissioner,
Corporation of Chennai,
Revenue Division,
Rippon Buildings,
Chennai.

2.The Assistant Executive Engineer,
Tamil Nadu Public Works Department,
B Cannel Division, Chepauk,
Chennai -600 005.

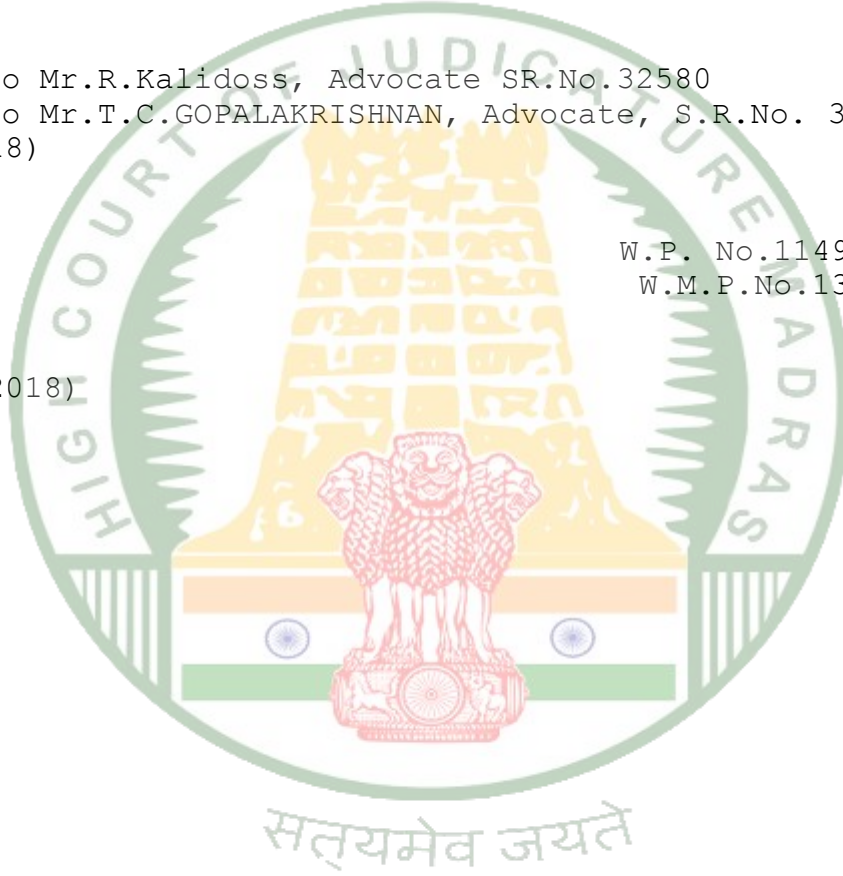
3.The Section Officer,
Writ Section, High Court,
Madras.

(To Post the Matter on 05/06/2018 for
reporting compliance)

+1cc to Mr.R.Kalidoss, Advocate SR.No.32580
+1cc to Mr.T.C.GOPALAKRISHNAN, Advocate, S.R.No. 34791
(05/06/2018)

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W.M.P.No.13443 of 2018

SKV(CO)
GN(15/05/2018)



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