

In the High Court of Judicature at Madras

Dated : 27.2.2018

Coram :

The Honourable Mr.Justice K.KALYANASUNDARAM

Writ Petition No.17720 of 2016 & WMP.No.15419 of 2016

V.A.Asrar Ahmed

...Petitioner

Vs

- 1.The Commissioner of Corporation,  
Rippon Buildings, Chennai-3.
- 2.The Member Secretary, Chennai  
Metropolitan Development Authority,  
Thalamuthu-Natarajan Building,  
No.1, Gandhi Irwin Road, Chennai-8.
- 3.The Assistant Executive Officer,  
PWD, Water Resources Organisation  
(Special Scheme of Water Resources  
Scientific Department), Division  
No.2, Chepauk, Chennai-5.
- 4.The Director General, Highways  
Department, PWD Complex,  
Kamarajar Salai, Chennai-5.
- 5.The Inspector of Police, F-5, Choolaimedu  
Police Station, Choolaimedu, Chennai-94.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take immediate action against the anti social elements, who are destroying the park laid by the fourth respondent Department for their personal benefits and to restore the park to its original condition.

|                        |                                            |
|------------------------|--------------------------------------------|
| For Petitioner         | : Mr.K.Manoharan for<br>M/s.McGan Law Firm |
| For Respondent-1       | : Mr.V.C.Selvasekaran                      |
| For Respondent-2       | : Mr.N.Sampath                             |
| For Respondents 3 to 5 | : Mr.N.Inbanathan, AGP                     |

ORDER

Heard both and perused the records.

2. The case of the petitioner is that he along with his brother - Mr.Abrar Ahmed purchased plot No.12 in Town Survey No.15, Block No.1, Puliur Village, measuring an extent of 6,600 sq.ft., vide sale deed dated 05.5.1980, out of which, the Chennai Metropolitan Development Authority acquired an extent of 2,700 sq.ft., for the purpose of Virugambakkam Drainage Scheme and also paid compensation to the petitioner and his brother.

3. The grievance of the petitioner is that the land acquired from the petitioner was not utilized by the Chennai Metropolitan Development Authority for the purpose for which it is acquired, that the land is being encroached by third parties and that they are causing nuisance to the petitioner. Despite the petitioner's representation dated 12.4.2016, no action has been taken on the same.

4. The learned Additional Government Pleader submits that respondents 3 to 5 are ready to take appropriate action on the representation of the petitioner.

5. In the light of the facts and the submission of the learned Additional Government Pleader, without going into the merits of the case, the writ petition is disposed of with a direction to respondents 3 to 5 to take appropriate action on the representation of the petitioner dated 12.4.2016 on merits and in accordance with law after providing an opportunity to all necessary parties preferably within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar(CS V)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

To

1.The Commissioner of Corporation,  
Rippon Buildings, Chennai-3.

2.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu-Natarajan Building, No.1,  
Gandhi Irwin Road, Chennai-8.

3.The Assistant Executive Officer,  
PWD, Water Resources Organisation  
(Special Scheme of Water Resources  
Scientific Department), Division  
No.2, Chepauk, Chennai-5.

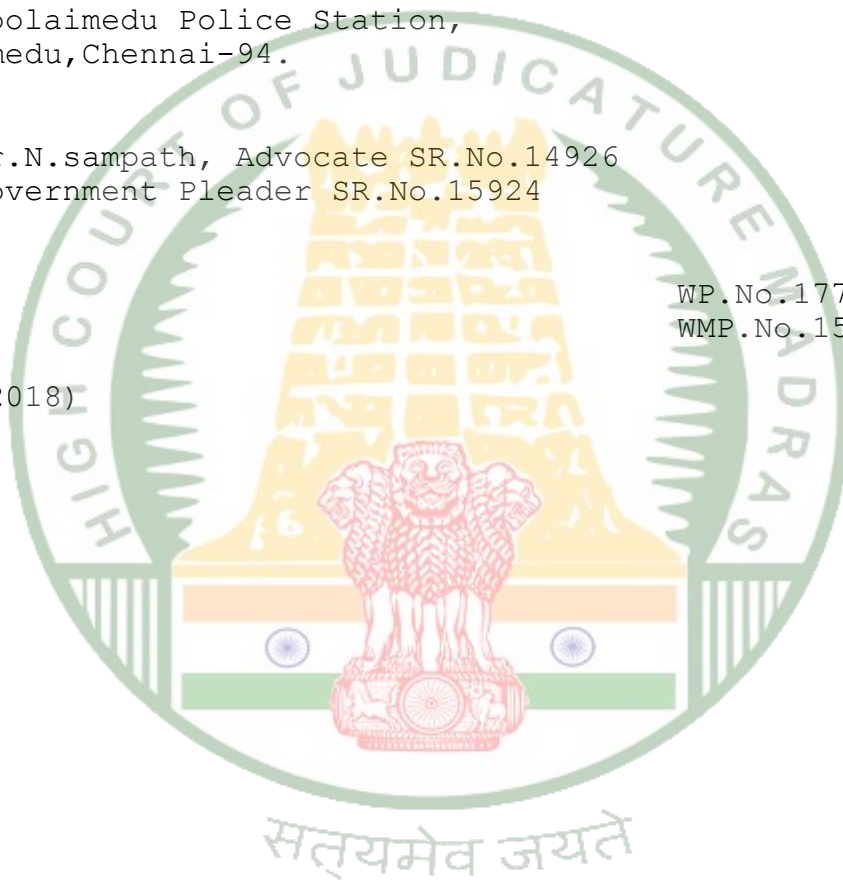
4.The Director General,  
Highways Department,  
PWD Complex, Kamarajar  
Salai, Chepauk, Chennai-5.

5.The Inspector of Police,  
F-5, Choolaimedu Police Station,  
Choolaimedu, Chennai-94.

+1cc to Mr.N.sampath, Advocate SR.No.14926  
+1cc to Government Pleader SR.No.15924

WP.No.17720 of 2016&  
WMP.No.15419 of 2016

GN(19/03/2018)



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