

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.23090 of 2018

A.Tamizharasi

.. Petitioner

v.

1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003

2 The Zonal Officer
Zone 11 Greater Chennai
Corporation of Chennai
Valasaravakkam
Chennai 600 087

3 The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007

4 R.Natarajan
S/o.Not known
Administrator
Sri Abirami Udanagiya -
Amirthakadeswarar Temple Devasthanam
11th Street, Abirami Nagar
Maduravoyal
Chennai - 600 095

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 29.6.2018 in accordance with law by removing the unauthorised construction of the fourth respondent temple, namely, Sri Abirami Udanagiya Amirtha Kadeswarar Temple situated at Dead end of 9th Street Abirami Nagar, Maduravoyal, Chennai 600 107.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Arunmozhi, Standing Counsel
- for R1 & R2

Mr.V.Jayaprakash Narayanan
Government Pleader(I/C) for R3.

Mr.V.Jayaprakash for R4

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 29.6.2018, in accordance with law, by removing the unauthorised construction of the 4th respondent- Temple.

2. It is the case of the petitioner that the 4th respondent had constructed the superstructure without obtaining planning permission violating the provisions of the Town and Country Planning Act.

3. The 2nd respondent filed his counter wherein it has been stated that the 4th respondent had encroached an extent of 310 sq.ft. of road margin and constructed the Temple measuring an extent of 410 sq.ft. Further, in the counter, the 2nd respondent has stated that a notice under section 220 read with 222 of Chennai City Municipal Corporation Act, 1919, dated 23.10.2018 has been issued to the 4th respondent calling upon him to remove the encroachment within a period of 15 days.

4. Therefore, from the counter filed by the 2nd respondent it is clear the 2nd respondent had already initiated action against the 4th respondent for removing the land encroachment.

5. Mr.R.Sankarasubbu, learned counsel appearing for the petitioner submitted that it would be suffice to direct the 2nd respondent to complete the proceedings initiated under the Chennai City Municipal Corporation Act, expeditiously.

6. Since the 2nd respondent had already initiated the proceedings for removing the encroachment made by the 4th respondent by issuing a notice dated 23.10.2018 under section 220 read with 222 of Chennai City Municipal Corporation Act, we

dispose of the Writ Petition by directing the 2nd respondent to complete the exercise in accordance with law, as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
- 2 The Zonal Officer
Zone 11 Greater Chennai
Corporation of Chennai
Valasaravakkam
Chennai 600 087
- 3 The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007

+1cc to Mr.R.Sankarasubbu, Advocate sr.no.82083
+1cc to M/s.R.Arunmozhi, Advocate sr.no.82306
+1cc to Government Pleader sr.no.81657

सत्यमेव जयते

W.P. No.23090 of 2018

ca(co)
nr 18/12/2018

WEB COPY