

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.19023 2017
and
WMP.No.20542 of 2017

Rajiv Gandhi Nagar Kudiyiruppu Podhunala Sangam
Thiruvanmiyur
Rep. by its President K.Illavarasu
Kuppam Beach Road
Thiruvanmiyur
Chennai-600 041.

... Petitioner

versus

1. The Tamil Nadu Slum Clearance Board
Rep. by its Chairman
No.5, Kamarajar Salai
Chepauk, Chennai-600 005.
2. The Tamil Nadu Slum Clearance Board
Rep. by its Executive Engineer
Division No.6,
No.130, Ramakrishna Mutt Road,
Mylapore, Chennai-600 004.
3. R.Velu
Son of Raja
4. Ettusuppura
Son of Arumugham
5. D.Thirumalai @ Thirumalaivasan
S/o.Durai

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to forthwith put up compound wall on the Eastern and Southern side of Rajiv Gandhi Nagar, Kuppam Beach Road, Thiruvanmiyur, Chennai-600 041 and consequently, to prevent respondents 3 to 5 from converting the open space in the Rajiv Gandhi Nagar Layout, Kuppam Beach Road, Thiruvanmiyur, Chennai - 600 041, by considering and passing orders on the representation of the Petitioner dated 24.11.2016.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.R.Sivakumar
standing counsel for R1 & R2
R3 to R4 - No appearance

O R D E R

Heard Mr.R.Sivakumar, learned standing counsel appearing for the respondents 1 and 2. Though notice was served on the respondents 3 to 5, they have not chosen to appear before this Court either in person or through their counsel. Their names are also printed in the cause list.

2. The petitioner seeks for a mandamus directing the respondents 1 and 2 to put up the compound wall on the Eastern and Southern side of Rajiv Gandhi Nagar, Kuppam Beach Road, Thiruvanmiyur, Chennai-600 041 and consequently, to prevent the respondents 3 to 5 from converting the open space in the Rajiv Gandhi Nagar Layout, Kuppam Beach Road, Thiruvanmiyur, Chennai - 600 041, by considering the representation of the petitioner dated 24.11.2016.

3. The grievance of the petitioner is that the respondents 3 to 5 are encroaching upon the open space in the Rajiv Gandhi Nagar layout and therefore, it has to be prevented by the official respondents.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the respondents 1 and 2 to consider and decide the same. Accordingly, this writ petition is disposed of, only by directing the respondents 1 and 2 to consider the representation of the petitioner dated 24.11.2016 and pass orders on merits and in accordance with law, after hearing the petitioner as well as the respondents 3 to 5 and other interested parties, if any. Such exercise shall be done by the respondents 1 and 2 within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

mk

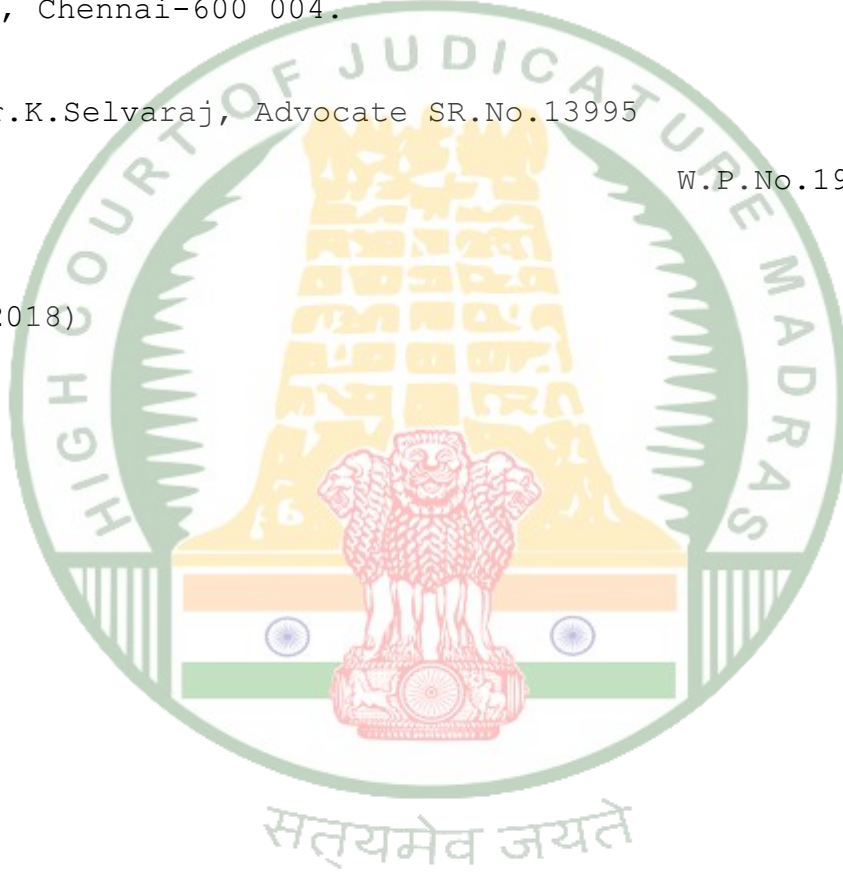
To

1. The Chairman
The Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chepauk, Chennai-600 005.
2. The Executive Engineer
The Tamil Nadu Slum Clearance Board
Division No.6,
No.130, Ramakrishna Mutt Road,
Mylapore, Chennai-600 004.

+1cc to Mr.K.Selvaraj, Advocate SR.No.13995

W.P.No.19023 of 2017

BR(CO)
GN(09/03/2018)



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