

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.21818 of 2016

D.S.Velayutham

..Petitioner

Vs

1. The Commissioner,
Chennai Corporation,
Ribon Building,
Chennai.

2. The Zonal Officer,
8th Zone, Chennai Corporation,
Chennai - 600 020.

3. R.Naveenthira Kumar

4. J.Palani

5. K.Krishna Moorthy

..Respondents

[R3 to R5 impleaded, as per the order of this Court,
dated 02.07.2018, in WMP.No.20436 of 2017
in WP.No.21818 of 2016]

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to forbear the respondents from constructing the building in 20 ft. north south cross road situated on the eastern side of petitioner's plot No.49 at N.G.O. Colony now called Co-operative Society Colony, Choolaimedu, Chennai -94 by considering the petitioner's representation dated 20.06.2018.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.V.C.Selvasekaran, for RR1 & 2
Mr.Sathish Rajan, for R3 to R5

ORDER

Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents 1 and 2 and the learned counsel for the 3rd respondent and perused the materials available on record.

2. The petitioner has come forward with this writ petition for issuance of a writ of mandamus to forbear the respondents from constructing a building in 20 ft. north south cross road situated on the eastern side of petitioner's plot No.49 at N.G.O. Colony, now called Co-operative Society Colony, Choolaimedu, Chennai by considering his representation dated

20.06.2016.

3. The entire land in Survey No.71/1 in Puliyur Village was originally owned by one Varadhan. In the year 1962, a portion of the property was purchased by the Madras State Government Co-operative Housing Society and formed a lay-out, wherein, the petitioner had purchased the plot No.49.

4. The case of the petitioner is that on the eastern side of his plot, there is a 20 ft. road runs on the north-south direction and the respondent-Corporation had a proposal to construct a ration shop. Contending that the public road cannot be utilised for construction of ration shop, this writ petition has been filed.

5. In the counter filed by the second respondent it is stated that on the request from the residents of the area, the Government had sanctioned two ration shops in the site in question and after it was objected by the petitioner, the Corporation requested the Thasildar to furnish the details of the land at plot No.11 in Survey No.71/1 in Puliyur Village. The report furnished by the Thasildar on 14.07.2016 shows that the land in the said Survey Number is a private land and immediately, the officials of the Greater Chennai Corporation had removed the earth work done in the land in question and restored to the original position.

6. The learned Standing Counsel for the respondents submitted that after the report of the Thasildar, the respondents have no proposal to construct building in the land in question.

7. In the light of the counter affidavit filed by the second respondent and the submission of the learned Standing Counsel, this Court is of the opinion that no further adjudication is necessary in this writ petition. Accordingly, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

pvs

+1cc to Mr.S.SATHIASHRAJAN, Advocate, S.R.No.42155

+1cc to Mr.R.MARUDHACHALAMURTHY, Advocate, S.R.No. 42526

W.P.No.21818 of 2016

AD(CO)

TR(27/07/2018)