

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.15493 of 2018

B.Santhakumar

.. Petitioner

Vs.

The Commissioner,
Greater Corporation of Chennai,
Corporation of Chennai,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to remove the fencing put up in front of the petitioner's house bearing door No.0-1A/27, Phase II, Agathiyar Nagar, Chennai - 600 049 in view of the petitioner's representation dated 13.04.2018.

For Petitioner :Mr.S.Arivazhagan
for Mr.S.Srinivasa Narayanan
For Respondents :Mr.T.C.Gopalakrishnan
Standing Counsel

O R D E R

Heard Mr.S.Arivazhagan, learned counsel for the petitioner and Mr.T.C.Gopalakrishnan, learned Standing Counsel for the respondent and perused the materials available on record.

2. This Writ Petition has been filed seeking direction to the respondent to remove the fencing put up in front of the petitioner's house bearing door No.0-1A/27 Phase II, Agathiyar Nagar, Chennai - 600 049, based on his representation dated 13.04.2018.

3. The petitioner would state that he is the owner of the property bearing door No. 0-1A/27 Phase II, Agathiyar Nagar, Chennai and he has been using the building for residential and non-residential purpose. Since there was an encroachment in front of the petitioner's property, a Writ Petition in W.P.No.28070 of 2011 was filed for removal of encroachment.

After removing the encroachment, the respondent had put up fencing in front of the house of the petitioner, which prevents the access to his property and hence, a representation was given on 13.04.2018. Since no favourable order was forthcoming, the present Writ Petition.

4. The learned counsel for the petitioner submitted that the petitioner is having right of access from the road, which cannot be denied by the respondent. It is further submitted that it would suffice, if a direction is issued to the respondent to consider the representation of the petitioner.

5. The learned Standing Counsel for the respondent submitted that as per the approved plan, the petitioner is having access through Agathiyar Nagar Street, but the fencing was put up only to prevent further encroachment. It is further submitted that the respondent is ready to consider the grievance of the petitioner.

6. In the light of the above submission and the nature of prayer sought for in the Writ Petition, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 13.04.2018 and pass appropriate orders on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

rns

To

The Commissioner,
Greater Corporation of Chennai,
Corporation of Chennai,
Chennai.

+1cc to Mr.S.Srinivasa Narayanan, Advocate, S.R.No.42213
+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No. 41922

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BM 11/07/2018