

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM :

The Hon'ble Mr.JUSTICE M.SATHYANARAYANAN

AND

The Hon'ble Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.16011 of 2018

G.Kasthuri

.. Petitioner

-vs-

1.The District Collector,
Office of the District Collector,
N.H.205, Jaya Nagar,
Thiruvallur-602 001.

2.The District Revenue Officer,
Thiruvallur District, N.H.205,
Jaya Nagar, Thiruvallur 602 001.

3.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.

4.The Executive Engineer,
Corporation of Chennai,
Zone-7, Ambattur, Chennai 600 053.

5.The Commissioner,
The Central Zone-7, Ambattur,
Chennai 600 053.

6.Janakiraman

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct 3, 4 and 5th respondents to take action to remove the encroachment and illegal construction made by the 6th respondent on the 20' width public road, situated at Balaji Street, Ramapuram, Ambattur, Chennai 600 053, in survey no.219/2, 192/2, based on petitioner's representations to the concerned authorities.

For Petitioner : M/s.Banumathi Baskaran

For Respondents : Mr.R.Udhaya Kumar
Addl. Govt. Pleader for RR 1 and 2

: Mr.K.Sountharajan, Stng. Counsel
for RR 3 to 5

O R D E R

(Order of the Court was made by M.Sathyanarayanan, J.)

By consent, the writ petition is taken up for final disposal. Mr.R.Udhaya Kumar, learned Additional Government Pleader, accepts notice on behalf of respondents 1 and 2 and Mr.K.Sountharajan, learned Standing Counsel, accepts notice on behalf of respondents 3 to 5.

2.The petitioner and her husband claim to be the owner of the premises bearing Door No.16, Balaji Street, Ramapuram, Ambattur, Chennai-600053 and according to them, the 6th respondent, who is residing opposite to their house, had encroached upon the public road, namely, Balaji Street and despite very many representations submitted, no response was forthcoming and therefore, came forward to file this writ petition.

3.Learned counsel appearing for the petitioner has invited the attention of this Court to the proceedings of the Town Sub Inspector of then Ambattur Municipality, dated 17.08.2016 and would submit that as per the said report, the 6th respondent had encroached upon the public road, namely, Balaji Street, and informed that it is for the Corporation of Chennai to take appropriate action. He also invited the attention of this Court to the letter of the Tahsildar, Ambattur, dated 26.08.2016 in Na.Ka.1027/2016/C1, addressed to the Zonal Officer, Zone-VII, Corporation of Chennai and prays for appropriate orders.

4.The Court heard the submissions of Mr.R.Udhaya Kumar, learned Additional Government Pleader for respondents 1 and 2 and Mr.K.Sountharajan, learned Standing Counsel, appearing for respondents 3 and 4 as well as for the Zonal Officer, Zone-VII, Ambattur, Chennai-53, who would submit that in the light of the communication of the Tahsildar dated 26.08.2016, further action will be taken in accordance with law.

5.This Court has considered the rival submissions and also perused the typed set of documents.

6.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representations or in this writ petition, directs the 5th respondent, to cause inspection of the entire stretch of Balaji Street, to find out whether there are encroachments on the public road and that the superstructure put on both sides of the road are authorised/deviated/unauthorised including that of the petitioner and the 6th respondent, after putting them as well as the concerned persons on notice and depending upon the inspection, shall take appropriate action, for removal of encroachments as well as demolition of unauthorised/deviated portion of the superstructure and the said exercise is to be carried out within twelve (12) weeks from the date of receipt of a copy of this order. The decision taken in that regard shall be communicated to the petitioner, the 6th respondent and other concerned persons/violators, if any.

The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Office of the District Collector,
N.H.205, Jaya Nagar, Thiruvallur-602 001.
- 2.The District Revenue Officer,
Thiruvallur District, N.H.205,
Jaya Nagar, Thiruvallur 602 001.
- 3.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.

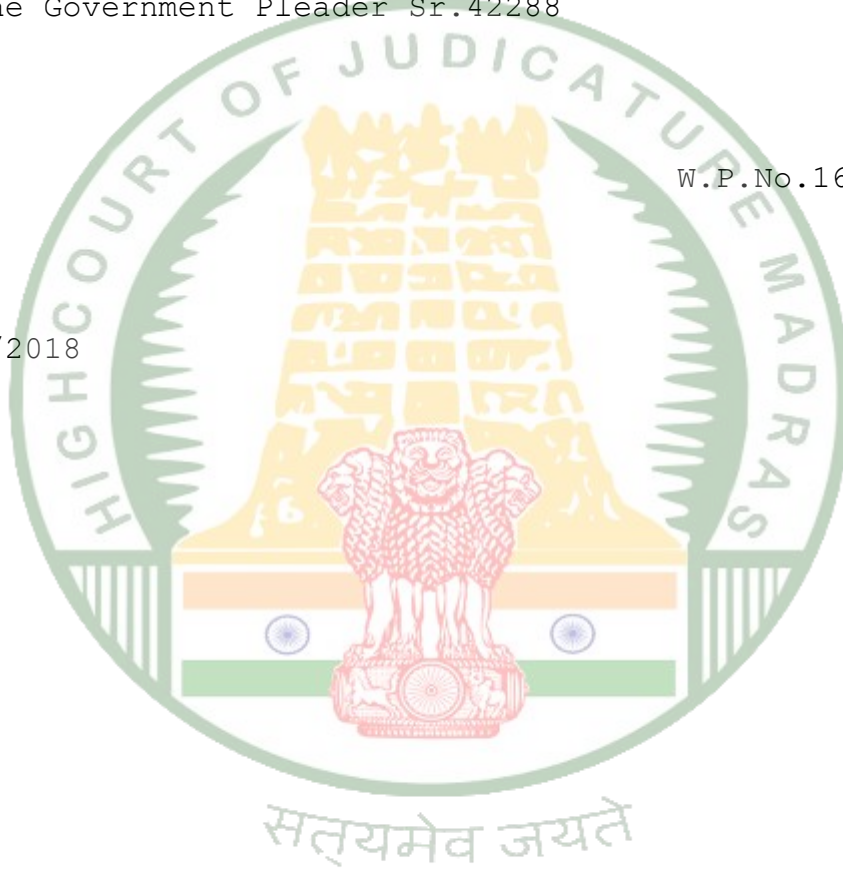
4.The Executive Engineer,
Corporation of Chennai,
Zone-7, Ambattur, Chennai 600 053.

5.The Zonal Officer,
Zone-7, Ambattur,
Chennai 600 053.

+1cc to Mrs.Banumathy Baskaran, Advocate Sr.41790
+1cc to Mr.K.Sountharajan, Advocate sr.42856
+1cc to the Government Pleader Sr.42288

W.P.No.16011 of 2018

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