

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.16702 of 2018

G.Vasanthi

..Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.
2. The Assistant Engineer,
Sholinganallur Zone XV,
Corporation of Chennai,
Sholinganallur,
Chennai - 600 119.
3. The Executive Officer,
Office of Zone XV,
Corporation of Chennai,
Sholinganallur,
Chennai - 600 119.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the Commissioner, Corporation of Chennai, Chennai - 600 003, the first respondent herein to consider and pass orders on the representation made by the petitioner dated 24.11.2017 with regard to laying of the road to reach the property situate at Survey No.497/3A, 3A5 and 3A6 and 3B, Sholinganallur, Chennai - 600 119 within a time frame as may be fixed this Court.

For Petitioner : M/s.A.V.Arun
For Respondents : Mr.V.C.Selvasekaran,
Standing Counsel

ORDER

Mr.V.C.Selvasekaran, learned Standing Counsel takes notice for the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing.

2. This writ petition has been filed for issuance of a writ of mandamus to direct the first respondent to consider and pass orders on the representation made by the petitioner dated 24.11.2017.

3. The case of the petitioner is that he is the absolute owner of the property in Survey Nos.497/3A, 3A5 and 3A6 and 3B in Sholinganallur Village, measuring an extent of 175 cents and she has been in possession and enjoyment of the same.

4. The grievance of the petitioner is that there is no proper road to reach her property and the representation given in this regard was not considered by the respondents. Hence, the present writ petition.

5. The learned counsel for the petitioner would submit that as per Section 110 of the Tamil Nadu Village Panchayats Act, 1994 and Section 205 of the Chennai City Municipal Corporation Act, 1919, it is the duty of the local body to lay road for the convenience of the public. It is further contended that it is not only convenience, but it is absolute necessity for the purpose of having ingress and egress to the assessed property.

6. The learned counsel further submitted that it would suffice, if a direction is issued to the competent authority to consider the grievance of the petitioner.

7. The learned Standing Counsel for the Corporation submitted that the competent authority is Zonal Officer, Zone-15 and if a fresh representation is given to him, he is ready to consider the same in accordance with law.

8. In the light of the above submissions and the limited scope of the prayer sought for in this writ petition, the petitioner is directed to give fresh representation to the Zonal Officer, Zone-15, Corporation of Chennai, by enclosing a copy of this order within a period of two weeks. On such compliance, the said officer is directed to consider the same and take appropriate action on merits and in accordance with law, within a period of eight weeks therefrom.

9. With the above direction, the writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
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Chennai - 600 003.
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Sholinganallur Zone XV,
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Sholinganallur,
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+ 1 cc to MR. A.V. Arun, Advocate Sr.43574

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