

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2018

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.26461 of 2018

Mr.Ajit Thomas

.. Petitioner

-vs-

1. The Commissioner
Greater Corporation of Chennai
Ripon Building, EVR Salai
Chennai 600 003

2. The Asst.Commissioner
Corporation of Chennai
Ripon Building, EVR Salai
Chennai 600 003

3. The Commissioner of Police
No.132, EVK Sampath Road
Vepery, Chennai 600 007

4. The Asst.Commissioner of Police
Teynampet, Chennai 600 018

5. The Inspector of Police
E3 Police Station, Teynampet
Chennai 600 018

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to remove all the unauthorized encroachments including pavement temple in Vijayaraghava Road and Dr.Nair Road based on petitioner's representation dated 09.05.2018, so as to make the pavement completely available only for general public.

For Petitioner : Mr.V.Bhiman for
M/s Sampathkumar and Associates

For Respondents : Mr.K.Soundararajan
for R1 & 2
Ms.Thangavadhana Balakrishnan
Addl.Government Pleaderfor R3 to 5

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The prayer in the writ petition is as follows:-

"To issue a Writ of Mandamus, directing the respondents to remove all the unauthorized encroachments including pavement temple in Vijayaraghava Road and Dr.Nair Road based on petitioner's representation dated 09.05.2018, so as to make the pavement completely available only for general public."

2. Upon notice, the second respondent-Zonal Officer, Corporation of Chennai has filed a report and the fifth respondent-Inspector of Police has filed a counter affidavit. From the report of the Zonal Officer, Zone-IX, Corporation of Chennai, it is seen that the temple, which, according to the petitioner, is on the pavement, is actually situate in private land and only the compound wall of the temple was on the pavement. The said compound wall has now been demolished. It is also stated that the other encroachments on the road which are temporary in nature, have also been demolished. In the counter affidavit by the Inspector of Police, it is stated that even the petitioner has encroached upon the platform by growing plants over the entire stretch of the platform abutting the compound wall, leaving little space for the use of general public in Vijayaraghava Road. Mr.V.Bhiman, learned counsel for the petitioner would fairly submit that if there is an encroachment, the Corporation can take action to remove the same for the use of public.

3. Recording the above submissions, the writ petition is disposed of and the Corporation is directed to remove the encroachment, if any, made by the petitioner also. The Corporation should also ensure that the temporary encroachments, which have been removed, do not resurface in the same area in future. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

SS

To

1. The Commissioner
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Chennai 600 003

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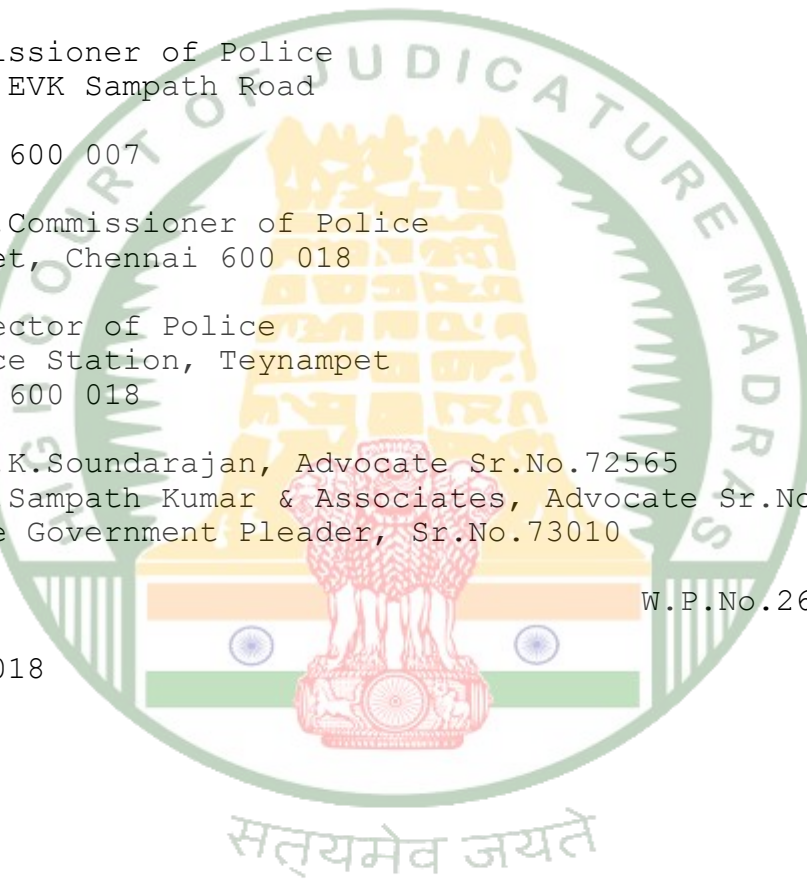
+1 cc to Mr.K.Soundarajan, Advocate Sr.No.72565

+1 cc to Mr.Sampath Kumar & Associates, Advocate Sr.No.72806

+1 cc to The Government Pleader, Sr.No.73010

W.P.No.26461 of 2018

NG-II(CO)
CSL/19.11.2018



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