

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.1308 of 2019 and

W.M.P.No.1467 of 2019

B.Raman

.. Petitioner

v.

- 1 The Principal Commissioner
Corporation of Greater Chennai
Rippon Buildings, Chennai-600 003.
- 2 The Regional Deputy Commissioner (North)
Corporation of Greater Chennai
No.45 M.C.Road, Royapuram
Chennai - 600 013.
- 3 The Assistant Engineer
Division No.61 Corporation of Greater
Chennai Pudupet Chennai-600 002.
- 4 The Managing Director
Tamil Nadu Slum Clearance Board
Kamaraj Salai, Chennai - 600 005.
- 5 The Estate Officer - V
Tamil Nadu Slum Clearance Board
T.P.Chathiram
Chennai - 600 010.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, calling for the record pertaining to the Impugned Notice passed by the 2nd respondent in No.Z.O.5.C.No.8958/2018, dated 26.12.2018 and quash the same as illegal and arbitrary.

For Petitioners : Mr.G.Krishnamurthy

For Respondents : Mr.R.Arunmozhi - for R1 to R3
: Mrs.D.Latha - for R4 & R5

O R D E R
(Order of the Court made by The Hon'ble Chief Justice
and M.DURAISWAMY,J.)

The petitioner has filed above Writ Petition to issue a Writ of Certiorari to call for the records pertaining to the impugned notice passed by the 2nd respondent dated 26.12.2018 and to quash the same.

2. By the impugned notice dated 26.12.2018 issued under section 220 read with 222 of the Chennai City Municipal Corporation Act IV of 1919, the petitioner was called upon to remove the encroachment.

3. It is the case of the respondents 1 to 3 that the petitioner unauthorizedly erected a fence and encroached the land belonging to the Corporation of Chennai.

4. The 2nd respondent filed a counter wherein she has stated that the left side of Dr.Santhosh Nagar Slum Tenements belong to the Greater Chennai Corporation wherein the petitioner had put up a house with asbestos sheet.

5. Since the 2nd respondent has specifically stated that the petitioner is an encroacher in the land belonging to the Greater Chennai Corporation and that the petitioner has not produced any supportive documents contrary to the same, the relief sought for in the Writ Petition cannot be granted. The petitioner has not produced any documentary evidence to establish that the land does not belong to Greater Chennai Corporation. Mere production of the Family Card, Voter Identity Card shall not support the case of the petitioner. In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

Rj

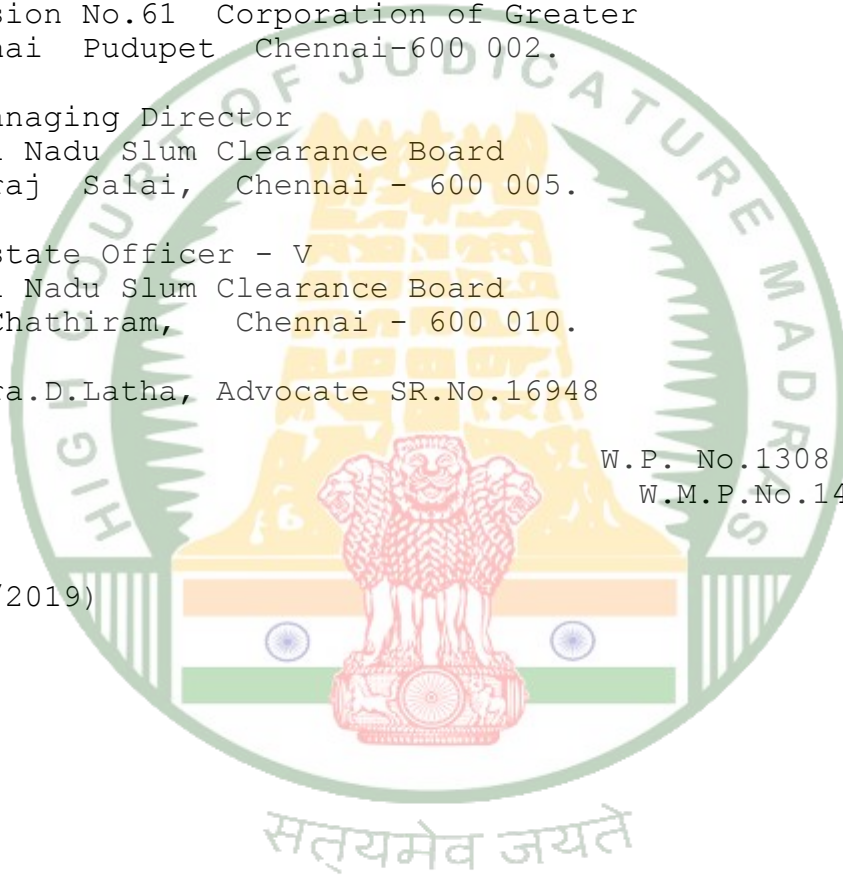
To

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+1cc to Mrs.D.Latha, Advocate SR.No.16948

W.P. No.1308 of 2019 and
W.M.P.No.1467 of 2019

MP (CO)
GMY (20/03/2019)



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