

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2019

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.5736 of 2019

1.U.Mallieswari

2.S.Sabina

.. Petitioners

-vs-

1.Corporation of Chennai,
rep. by Commissioner of Corporation,
Rippon Building,
Chennai.

2.Regional Joint Commissioner,
Regional Office (South),
Corporation of Chennai,
Zone 13, Adayar,
Chennai - 600 020.

3.Zonal Officer,
Zone 13, Corporation of Chennai,
Adayar, Chennai - 600 020.

4.Executive Engineer,
Enforcement Cell,
Office of the Regional Joint Commissioner (South),
Corporation of Chennai-600 020.

5.Sakunthala

6.M.Somu

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to demolish the illegal construction put up by the 5th and 6th respondents on the 30 feet wide public road in the 4th street of Narasingapuram, Maduvangarai, Chennai-600 032 and restore the encroached portion as public road.

For Petitioners : Mr.S.Sai Shankar

For Respondents : Mr.V.C.Selvasekaran
for respondent Nos.1 to 4

Mrs.G.Devi
for M/s.V.Ragupathi
for respondent Nos.5 and 6

ORDER

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

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 4 to demolish the illegal construction put up by the respondents 5 and 6 on the 30 feet wide public road in the 4th Street of Narasingapuram, Maduvangarai, Chennai-600 032 and to restore the encroached portion as public road.

2. The third respondent has filed the counter stating that the respondents 5 and 6 have filed appeal before the Additional Secretary (Technical), Housing and Urban Development Department as against the notice issued to them in respect of the unauthorised construction and that by an order dated 12.01.2018, the appeal was disposed of giving a direction to the authorities to proceed further in accordance with law. Further, the third respondent in the counter has stated that as per the orders of the Additional Secretary (Technical), Housing and Urban Development Department, buildings of the respondents 5 and 6 have been locked and sealed by the officials of the Greater Chennai Corporation on 07.01.2019 and that the Tahsildar, Velachery Taluk had informed the Greater Chennai Corporation by a letter dated 19.06.2019 that the land comprised in Survey No.4/1, Block No.4, Narasingapuram Village measuring an extent of 1.03.72.0 hectare stands in the name of one Minor Ramachandran Rao and had also stated that in the layout, the respondents 5 and 6 had put up unauthorised construction on the road. Further, the third respondent has stated that in view of the letter addressed by the Tahsildar, Velachery Taluk, further action will be initiated in accordance with law by implementing the orders passed by the Regional Joint Commissioner (South) dated 17.02.2015.

3. Since the respondent authorities are proceeding further in accordance with law pursuant to the orders passed by the Regional Joint Commissioner (South), we are of the view that no

further direction need be issued to the official respondents. Accordingly, the writ petition is closed. No costs. Consequently, W.M.P.No.6540 of 2019 is also closed.

bbr

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner of Corporation,
Corporation of Chennai,
Rippon Building,
Chennai.
- 2.The Regional Joint Commissioner,
Regional Office (South),
Corporation of Chennai,
Zone 13, Adayar, Chennai - 600 020.
- 3.The Zonal Officer,
Zone 13, Corporation of Chennai,
Adayar, Chennai - 600 020.
- 4.The Executive Engineer,
Enforcement Cell,
Office of the Regional Joint Commissioner (South),
Corporation of Chennai-600 020.

+lcc to Mr.S.Sai Shankar, Advocate, SR.No.58179

+lcc to Mr.V.Raghupathi, Advocate, SR.No.57890

W.P.No.5736 of 2019

Kak (03/09/2019)

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