

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5321 of 2011

A.MOHANRAJ
S/O.M.AANDIAPPAN,
PROPRIETOR : M/S HI-TEC VALVES,
NO.3 PART 1 TASS INDUSTRIAL ESTATE
AMBATTUR, CHENNAI - 600 098. ..PETITIONER

Vs.

- 1 THE COMMISSIONER
AMBATTUR MUNICIPALITY,
AMBATHUR CHENNAI-600 053.
- 2 MR.KUMAR PROPRIETOR
M/S.SREE DURGA INDUSTRIES,
NO.18/5 TASS INDUSTRIAL ESTATE,
AMBATHUR, CHENNAI - 600 098. ...RESPONDENTS

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to pass orders on the representation dated 8.1.2011 and 12.1.2011 seeking removal of encroachments by the 2nd respondent on merits and as per law and within a time to be stipulated by this Honble Court after and by affording an opportunity to the 2nd respondent as contemplated.

For Petitioner : Mr.L.Chandrakumar

For Respondent No.1 : Mr.Anantharangan

For Respondent No.2 : Mr.M.L.Ramesh

O R D E R

The writ petition has been filed to consider the representation of the petitioner, dated 8.1.2011, seeking removal of encroachments by the second respondent.

2. The first respondent has filed counter affidavit before this Court, wherein in paragraph 5, the first respondent has stated that subject matter of the roads alleged to have been encroached by the second respondent is within the Ambattur Industrial Estate and the same is owned and maintained by the Small Industries Development Corporation. Therefore, Greater Chennai Corporation is not a competent authority to take action against the alleged encroachments which have been occupied in the aforesaid land. Therefore, the relief as sought for in the writ petition cannot be granted.

3. In view of the aforesaid statement made by the first respondent, the writ petitioner has to work out his remedy before the authority concerned, for removal of the subject matter of the land as per law.

The writ petition is dismissed with the above observations. No costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

THE COMMISSIONER, AMBATTUR MUNICIPALITY,
AMBATTUR, CHENNAI-600 053.

+1cc to Mr.L.Chandra Kumar, Advocate, SR.No.83440

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Kak(05/11/2019)

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