

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.9642 of 2018 and
W.M.P.No.11562 of 2018

R.Suresh

.. Petitioner

vs.

- 1 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi-Irwin Road
Egmore
Chennai - 8
 - 2 The Commissioner
Chennai Corporation
Rippon Building
Chennai - 3
 - 3 The Commissioner of Police
Egmore, Chennai - 8
 - 4 The Managing Director
Chennai Metro Rail Ltd., CMRL Depot
Poonamalle High Road
Koyambedu
Chennai 107
 - 5 The Managing Director
V.R. Mall
No. 44, Pillayar Koil Street
Thirumangalam
Anna Nagar, Chennai - 40
 - 6 The Managing Director
Metrozone, Ozone Projects
No. 44, Pillayar Koil Street
Thirumangalam
Anna Nagar, Chennai - 40
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment on the public road namely, Pillayar Koil Street, Thirumangalam, Chennai, by the 5th respondent and initiate appropriate action.

For Petitioner : Mr.G.Muthukumaran

For Respondents: Mr.S.Thiruvengadam - for R1
Mr.K.Soundararajan - for R2

Mr.V.Jayaprakash Narayanan
Government Pleader (i/c) - for R3
Mr. Jayesh B. Dolia - for R4
Mr.Harshavardhan
for Mr.R.Parethasarathy - for R5
Mr.P.V.Balasubramanian - for R6

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard learned counsel for the petitioner and the learned counsel for the respondents.

2. The petitioner is seeking direction to the respondent Nos. 1 to 3 to remove the encroachment on the public road namely, Pillayar Koil Street, Thirumangalam, Chennai. According to the petitioner, the said encroachment was put up by respondent No.5

3. The learned counsel for the respondent No.2/Chennai Corporation has tendered his counter-affidavit, wherein it is stated that the disputed road was inspected by the Assistant Engineer, Division No.99 on 04.05.2018 and measurement was taken from the junction of Jawaharlal Nehru Road upto the properties of respondent Nos. 5 and 6 and it was found that the road i.e. Pillayar Koil Street is with a width of 40 feet and no encroachment has been made by the respondent Nos. 5 and 6 as alleged by the petitioner herein. The learned counsel for the Chennai Corporation has also submitted the photographs taken at the time of inspection.

4. In view of the categorical statement made in the affidavit that there is no encroachment made by the respondent Nos. 5 and 6, we are not inclined to entertain the present Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

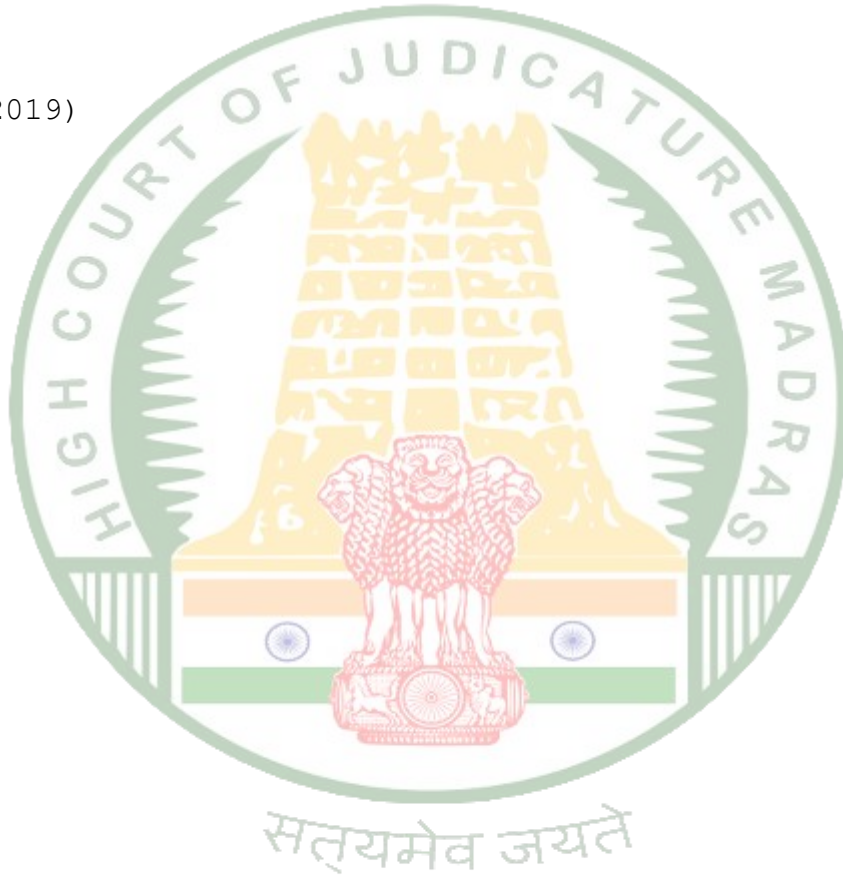
Rj
To

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+1 CC to Mr.S.Thiruvengadam, Advocate sr 27129.
+1 CC to Mr.P.V.Balasubramanian, Advocate sr 26896.
+1 CC to Govt. Pleader sr 782.
+1 CC to Mr.G.Muthukumaran, Advocate sr 26387

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JP (CO)
SP (09/04/2019)



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