

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.10964 of 2018

United Colony Residents Welfare Association
Rep. by its President, Bhagavandass
Having its Reg. Office at No.84/1
2nd Street, United Colony
Kolathur, Chennai - 600 099.

.. Petitioner

Vs

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai.
- 2 The Deputy Commissioner
Corporation of Chennai
Shenoy Nagar, Chennai.
- 3 The Assistant Commissioner
Zone 6, Corporation of Chennai
Ayanavaram
Chennai.
- 4 The Assistant Engineer
Zone 6, Kolathur Zone (Ward No. 64)
Anjukam Nagar, Kolathur
Chennai - 600 099.
- 5 The Commissioner of Police
Greater Chennai City Area
E.V.K. Sampath Salai
Chennai - 600 007.
- 6 The Deputy Commissioner of Police
Anna Nagar, Chennai.
- 7 The Assistant Commissioner of Police
Villivakkam, Chennai.

8 The Inspector of Police
V6, Kolathur Police Station
Chennai.

9 Chennai Siva

10 Eshwaran

11 Sigamaniammal

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent, the Deputy Commissioner, Corporation of Chennai, Shenoy Nagar to demolish the construction made by the 9th, 10th and 11th respondents in the land belonging to the Corporation of Chennai at Rettairi Junction, Kolathur and remove the bunks placed in the corporation land with the direct supervision of the 6th respondent, the Deputy Commissioner of Police, Anna Nagar within a stipulated period.

For Petitioner : Mr.C.Justeen

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

Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 5 to 8

Mr.G.Govarthanam
for 9th respondent

No appearance
for 10th respondent

Mr.K.Elango
for 11th respondent

ORDER

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

The petitioner association has filed the writ petition to issue a writ of mandamus directing the second respondent, i.e., the Deputy Commissioner, Corporation of Chennai, Shenoy Nagar, to demolish the construction made by respondents 9 to 11 in the land belonging to the Corporation of Chennai at Rettairi Junction, Kolathur and remove the bunks placed in the Corporation land with the direct supervision of the sixth respondent, i.e., the Deputy Commissioner of Police, Anna Nagar, within a time frame.

2. After filing of the writ petition, a third party, i.e., Sri Melmalaiyanur Angalaparameshwari Alayam, represented by its Hereditary Trustee, has filed an impleading petition in W.M.P.No.18312 of 2019 stating that the temple is a proper and necessary party for the proper adjudication of the writ petition.

3. In the said impleading petition, the writ petitioner filed a counter, wherein he has stated that the Corporation officials have locked and sealed the building on 21.7.2018, however they have not taken any action thereafter.

4. Mr.V.C.Selvasekaran, learned counsel appearing for the Corporation of Chennai submitted that the Corporation would proceed further in the matter in accordance with law.

5. In view of the averment made in the counter affidavit filed by the petitioner in the impleading petition to the effect that the Corporation has already locked and sealed the building on 21.7.2018 and the submission of the learned counsel for the Corporation of Chennai that they would proceed further in accordance with law, no further direction need be issued to the Corporation.

In such view of the matter, the writ petition is closed. No costs. Consequently, W.M.P.Nos.12872 and 18312 of 2019 are closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To:

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai.
- 2 The Deputy Commissioner
Corporation of Chennai
Shenoy Nagar, Chennai.

- 3 The Assistant Commissioner
Zone 6, Corporation of Chennai
Ayanavaram
Chennai.
- 4 The Assistant Engineer
Zone 6, Kolathur Zone (Ward No. 64)
Anjukam Nagar, Kolathur
Chennai - 600 099.
- 5 The Commissioner of Police
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E.V.K. Sampath Salai
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- 6 The Deputy Commissioner of Police
Anna Nagar, Chennai.
- 7 The Assistant Commissioner of Police
Villivakkam, Chennai.
- 8 The Inspector of Police
V6, Kolathur Police Station
Chennai.

+2cc to Mr.C.Justeen, Advocate SR.No.62278

+1cc to Mr.K.Elango, Advocate SR.No.61611

+1cc to Government Pleader SR.No.61870

W.P.No.10964 of 2018

KS(CO)
GMY(21/11/2019)