

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2019

CORAM

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

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.13863 of 2019

N.Vijayaraghavan

.. Petitioner

Vs

- 1 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600003.
- 2 The Divisional Officer
Corporation of Chennai
Division - 52, Zone - 5
Chennai - 600 021.
- 3 The Assistant Engineer
Corporation of Chennai
Division - 52, Zone - 5
Chennai - 600 021.
- 4 The Commissioner of Police
Greater Chennai
Vepery, Chennai - 600 007.

5 V.Alagarsamy

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to consider the representation of the petitioner dated 31.03.2019 regarding the removal of the encroachment by the 5th respondent in front of his shops in Old Door No.28/2-A, New Door No. 77 and in Old Door No.28/2-B, New Door No.79, both situated in M.C.Road, Old Washermenpet, Chennai - 600021 by encroaching the pavement and the road and consequently restraining the 5th respondent and his men from in any way encroaching the platform and the road before his shops in Old

Door No.28/2-A, New Door No. 77 and in Old Door No.28/2-B, New Door No. 79 both situated in M.C.Road, Old Washermenpet, Chennai - 600021.

For Petitioner : Mr.R.Bakayaraj

For Respondents : Mr.V.C.Selvasekaran
for respondents 1 to 3

Mr.S.N.Parthasarathi
Government Advocate
for 4th respondent

No appearance
for 5th respondent

ORDER

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

Heard Mr.R.Bakayaraj, learned counsel for the petitioner; Mr.V.C.Selvasekaran, learned counsel for respondents 1 to 3 and Mr.S.N.Parthasarathi, learned Government Advocate for the fourth respondent.

2. The case of the petitioner is that encroachment has been put up on the pavement in front of his shops in Old Door No.28/2-A, New Door No. 77 and in Old Door No.28/2-B, New Door No.79, both situated in M.C.Road, Old Washermenpet, Chennai - 600021. Being aggrieved by the said encroachment, the petitioner preferred a representation on 31.3.2019. The grievance of the petitioner is that no action was taken by the respondent Corporation on the basis of the said representation. Hence, the petitioner has prayed that respondents 1 to 3 be directed to consider his representation and remove the encroachment put up by the fifth respondent.

3. The learned counsel for the respondent Corporation has tendered an affidavit, wherein it is stated that some textile articles were kept on the pavement and the person was asked to remove the textile articles and, at present, there is no encroachment on the pavement in front of the shop at Door No.28/2, New Door No.77, M.C.Road, Old Washermenpet, Chennai - 600 021.

4. In view of the above, the petition has become infructuous and the same is disposed of as such. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600003.
- 2 The Divisional Officer
Corporation of Chennai
Division - 52, Zone - 5
Chennai - 600 021.
- 3 The Assistant Engineer
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Chennai - 600 021.
- 4 The Commissioner of Police
Greater Chennai
Vepery, Chennai - 600 007.

+2ccs to Mr.R.Bakayaraj, Advocate, S.R.No.65333
+1cc to the Government Pleader, S.R.No.65901

VSN II (CO)

RRS (22/08/2019)

W.P.No.13863 of 2019

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