

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

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

W.P.No.22083 of 2018

Vijayalakshmipuram Thittapaguthi
Kudiyuruppu Manai Urimaiyalargal Sangam
Regd. No.163/2017
Rep. by its Secretary, R.Rajasekar
No.13, Ambedkar Street
Vijayalakshmipuram
Ambattur, Chennai - 600 053.

.. Petitioner

Vs

- 1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 3.
- 2 The Deputy Commissioner
Corporation of Chennai
Division No.VII
Ambattur, Chennai - 53.

- 3 Sundari

.. Respondents

PRAYER:

Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to remove the encroachment made by the 3rd respondent by way of dumping the building materials and rubbish on the M.C. Raja Street, Vijayalakshmipuram, Ambattur, Chennai - 600 053 and consequently, to put the street light on M.C.Raja Street.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.K.Soundarajan
for respondents 1 and 2

Mr.Arun Anbumani
for Mr.K.Manikandan
for 3rd respondent

ORDER

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

Heard Mr.C.Prakasam, learned counsel for the petitioner; Mr.K.Soundarajan, learned counsel for respondents land 2 and Mr.Arun Anbumani, learned counsel for the third respondent.

2. The petitioner is seeking directions to respondents 1 and 2 to remove the encroachment made by the third respondent by way of dumping the building materials and rubbish on M.C. Raja Street, Vijayalakshmipuram, Ambattur, Chennai - 600 053. In support of his case that there is rubbish dumped on the said passage, the petitioner had filed photographs, which are annexed at page (33) of the typed set of papers.

3. The learned counsel for the Corporation filed a status report of the second respondent, wherein it is stated that the encroachment by way of dumping of building materials on the said passage has been removed by the Corporation Officials and at present, the passage is accessible to the public.

4. However, the learned counsel for the third respondent submits that the said passage is not a public road and that the said property belongs to the third respondent.

5. In view of the status report filed by the Corporation, no further orders are necessary in this writ petition. However, we make it clear that we have only recorded the averments in the status report filed by the Corporation and we have not given any finding with regard to the title of the land in dispute. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.25880 of 2018 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sasi

To:

1 The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 3.

2 The Deputy Commissioner
 Corporation of Chennai
 Division No.VII
 Ambattur, Chennai - 53.

+2cc to Mr.K.Manikandan, Advocate, S.R.No.71973
+1cc to Mr.C.Prakasam, Advocate, S.R.No.72353
+1cc to Mr.K.Soundarajan, Advocate, S.R.No.73387

W.P.No.22083 of 2018

PVS(CO)
CS/23/09/2019