

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.05.2019

DELIVERED ON : 28.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.14903 of 2019
and WMP.Nos.14882 & 14885 of 2019

P.Mayur Mehta

..Petitioner

Vs

- 1.The Commissioner,
O/o the Commissioner,
The Greater Chennai Corporation,
Ripon Building,
Chennai.
- 2.The Park Overseer,
O/o the park overseer,
Chennai Corporation, Zonal-5,
Chennai.
- 3.The District Revenue Officer,
O/o the District Revenue Officer,
Zonal Officer,
The Greater Chennai Corporation,
Thandiarpet, Zonal-IV,
Chennai.

4.Mahendra Kumar

5.Bangaj Kumar

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents 1 and 3 to remove the concrete to ensure the growth of root of neem tree situated in front of the petitioner house situated at No.36/28/2, New Thandavarayan Street, Old Washermenpet, Chennai-600021 and consequently direct the respondents 1 and 3 to take action on the respondents 4 and 5

for cutting tree without any permission from the concern authority.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.V.C.Selvasekaran,
Standing Counsel,
for Corporation.

ORDER

The petitioner herein is a resident of old Washermenpet and having the house adjacent to plot under construction by R4 and R5 herein.

2. The petitioner filed this writ petition seeking to direct the respondents 1 and 3 to remove the concrete to ensure the growth of root of neem tree situated in front of the petitioner house situated at No.36/28/2, New Thandavarayan Street, Old Washermenpet, Chennai-600021 and consequently direct the respondents 1 and 3 to take action on the respondents 4 and 5 for cutting tree without any permission from the concerned authority.

3.The learned counsel for the petitioner submitted that without getting proper permission from the Corporation, the private respondents R4 and R5 cut branches of the neem tree in order to put up construction in the plot which have been purchased and the said plot is adjacent to the house of the petitioner and the said action of the private respondents is in violation of the Green Cover order passed by the Corporation.

4.The petitioner has filed an online complaint to the first respondent and CSR.No.6 of 2019 was given by the concerned Police Station. The petitioner alleges that in the platform adjacent to his house, the respondent have laid a cement block and hence he seeks interference of this Court for the cement blocks to be removed and to restore the neem tree that is said to have been damaged.

5.As the appropriate authority has already taken steps by registering a CSR, it is open to the petitioner to move the respondents in view of the alternative remedy available. In

this view of the matter, I am not inclined to grant relief as prayed for and the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar (VO)

//True copy//

Sub Assistant Registrar

KST

To

- 1.The Commissioner,
O/o the Commissioner,
The Greater Chennai Corporation,
Ripon Building, Chennai.
- 2.The District Revenue Officer,
O/o the District Revenue Officer,
Zonal Officer,
The Greater Chennai Corporation,
Thandiarpet, Zonal-IV, Chennai.
- 3.The Park Overseer,
O/o the park overseer,
Chennai Corporation, Zonal-5,
Chennai.

W.P.No.14903 of 2019

NMI (CO)
GMY (28/05/2019)

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