

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.02.2019

CORAM :
THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.23619 of 2018 and
W.M.P.Nos.27554 & 27555 of 2018

1. Anna Joseph
2. John Joseph
3. Arun Kurien Joseph

.. Petitioners

Vs.

1. Greater Chennai Corporation,
rep by its Commissioner,
Rippon Buildings, Chennai - 600 003.
2. The Divisional Engineer,
Old Zone No.5, New Zone No.7,
Old Ward No.65, New Ward No.90,
Greater Chennai Corporation,
Chennai - 600 107.
3. The Assistant Engineer,
Old Zone No.5, New Zone No.7,
Old Ward No.65, New Ward No.90,
Greater Chennai Corporation,
Chennai - 600 107.
4. The Inspector of Police,
Koyambedu Police Station,
Chennai - 600 107.
5. The Executive Engineer,
Zone No.10, Greater Chennai Corporation,
117, NSK Salai, Kodambakkam,
Chennai - 600 024.

.. Respondents

(R5 impleaded vide order dated 29.01.2019
made in W.M.P.No.38802/2018)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents to take action on the representation dated 17.04.2018 of the petitioners and make the AKR Road, Chennai - 107 commencing from the grade separator and flyover on Poonamallee High Road and lies on the East of Rohini Theatre free from any encroachments.

For Petitioners : Mr.N.Ishtiaq Ahmed

For Respondents : Mr.S.Kamalesh Kannan,
Government Advocate (R4)

Mr.Arunmozhi, for (R1 to R3 & R5)

O R D E R

(ORDER OF THE Court WAS MADE BY M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of mandamus to direct the respondents to take action on the representation dated 17.04.2018 of the petitioners and make the AKR Road, Chennai - 107 commencing from the grade separator and flyover on Poonamallee High Road and lies on the East of Rohini Theatre free from any encroachments.

2.It is the case of the petitioners that opposite to their property there are number of Bunk Shops measuring not more than 100 sq.ft. wherein Tinkering, Blacksmithing, Auto Garage and Auto repair workshops are located and the garages are using the AKR Road, Chennai for parking the vehicles such as lorries, mini vans, jeeps, cars and auto rickshaws that come to them for repairs. Further, the petitioners contended that the vehicles are stationed in such a way that ingress and egress to petitioners' property is completely blocked, thereby, preventing free and proper access to the petitioners' property.

3.The respondents 1 to 3 filed a counter wherein it has been stated that all the abandoned vehicles parked in the street mentioned above were removed on 04.05.2018 and 28.05.2018 with the help of the Inspector of Police, CMBT Police Station. Further, it has been stated that the road side encroachments were removed on 13.11.2018. The respondents 1 to 3 have also produced photographs to show that the vehicles on the street were removed.

4.However, the petitioners filed a rejoinder stating that all the vehicles stationed on the street were not removed and that there was only partial removal of the encroachments.

5.The learned counsel appearing for the respondents submitted that as of today, the respondents have removed all the encroachments in the street. The learned counsel appearing for the respondents 1 to 3 and the learned Government Advocate appearing for the 4th respondent submitted that the respondents would ensure that no encroachment is made in AKR Road in future.

6.In view of the submissions made by the learned counsel appearing for the respondents, we do not find any reason to pass any further direction to the respondents. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
- 2.The Divisional Engineer,
Old Zone No.5, New Zone No.7,
Old Ward No.65, New Ward No.90,
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- 4.The Inspector of Police,
Koyambedu Police Station,
Chennai - 600 107.
- 5.The Executive Engineer,
Zone No.10, Greater Chennai Corporation,
117, NSK Salai, Kodambakkam,
Chennai - 600 024.

+1cc to Mr.N.Ishtiaq Ahmed, Advocate, S.R.No.19205
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.18829
+1cc to the Government Pleader, S.R.No.19972

W.P.No.23619 of 2018 and
W.M.P.Nos.27554 & 27555 of 2018

VBA (CO)
rrs 21/03/2019