

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.17155 of 2019

G.Kishorekumar

.. Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.
2. The Executive Engineer,
Zone XV, Sholinganallur,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
(Old Mahabalipuram Road),
Sholinganallur, Chennai.
3. The Zonal Officer,
Zone XV, Sholinganallur,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
(Old Mahabalipuram Road),
Sholinganallur, Chennai.
4. The Deputy Commissioner of Police (Adyar Range),
Lattice Bridge Road, Adyar,
Chennai - 600 020.
5. The Assistant Commissioner of Police,
J - 8, Neelankarai Police Station,
East Coast Road, Neelankarai,
Chennai.
6. The Inspector of Police,
J - 8, Neelankarai Police Station,
East Coast Road, Neelankarai,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the 1st respondent to direct the respondents 2 & 3 to take necessary steps and action to restrain the illegal encroachers in the residential areas and further directing the 4th respondent to direct respondents 5 & 6 to take action against the illegal encroacher to have peaceful environment in a residential area Plot No.73, Door No.5, Sparkling Sands Avenue, Akkarai, Sholinganallur, Chennai - 600 119, R.S.No.1/1C/3 part Patta No.482, measuring 49 cents and to consider the representation sent by the petitioner to all the respondents.

For Petitioner : Mr.L.Infant Dinesh

For Respondents : Mr.C.Ravichandran (R1 to R3)

Mr.S.N.Parthasarathi,
Government Advocate (R4 to R6)

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the 1st respondent to direct the respondents 2 & 3 to take necessary steps and action to restrain the illegal encroachers in the residential areas and further directing the 4th respondent to direct respondents 5 & 6 to take action against the illegal encroacher to have peaceful environment in a residential area Plot No.73, Door No.5, Sparkling Sands Avenue, Akkarai, Sholinganallur, Chennai - 600 119, R.S.No.1/1C/3 part Patta No.482, measuring 49 cents and to consider the representation sent by the petitioner to the respondents.

2.The petitioner contended that the road in dispute has been encroached by street vendors and the same is causing hardship to the petitioner.

3.The 2nd respondent filed a counter along with photographs to show that the encroachments were removed during the pendency of the Writ Petition.

4.The learned counsel appearing for the petitioner submitted that though the Corporation had removed the encroachments, the encroachers again encroached the road in the weekends.

5.However, the learned counsel appearing for the respondents 1 to 3 also produced the photographs which were taken on 02.08.2019 (Friday), 03.08.2019 (Saturday) and 04.08.2019

(Sunday) and on a perusal of the same, we do not find any encroachments made by anyone in the said street. In the counter filed by the 2nd respondent, he has specifically stated that the encroachments were removed with the help of police on 22.07.2019. The averments stated in the counter affidavit is supported by photographs produced by the learned standing counsel appearing for the Chennai Corporation. We do not find any reason to disbelieve the averments stated in the counter affidavit and the photographs produced by the learned standing counsel for the Chennai Corporation. In view of the same, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

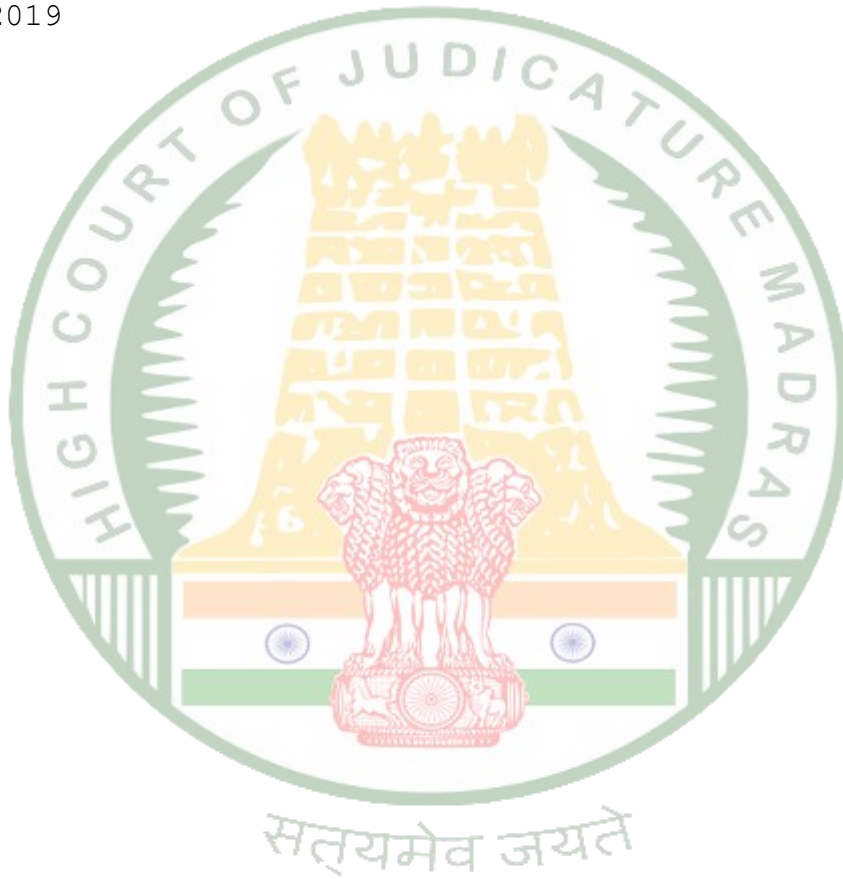
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Chennai.

+1cc to Mr.L.Infant Dinesh, Advocate, S.R.No.67524
+1cc to Mr.C.Ravichandran, Advocate, S.R.No.67453
+1cc to the Government Pleader, S.R.No.68046

W.P.No.17155 of 2019

RR(CO)
CS/19/09/2019



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