

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.23801 of 2019 and
W.M.P.No.23665 of 2019

S.Mohana Saminathan

.. Petitioner

Vs.

1.The Regional Deputy Commissioner,
Greater Corporation of Chennai,
Corporation Office, Chennai.

2.The Zonal Officer, Zone - VIII,
Greater Chennai Corporation,
No.36 B, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

3.The Tahsildar,
Aminjikarai Taluk.

4.B.Santhakumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorari to call for the records pertaining to the impugned proceeding vide No.Z.O.VIII.C.No.1754/2019 dated 31.07.2019 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.E.J.Ayyappan

for Ms.L.Saranya

For Respondents: Mr.V.C.Selvasekaran (R1 & R2)

Mr.S.N.Parthasarathi,
Government Advocate (R3)
R4 - not ready in notice

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 certiorari to call for the records pertaining to the

impugned proceedings dated 31.07.2019 issued by the 2nd respondent and to quash the same.

2.It is the case of the petitioner that she is in occupation of the premises in dispute from the year 1990 and that the order dated 31.07.2019 issued by the 2nd respondent calling upon her to remove the belongings within three days is liable to be set aside. The petitioner also contended that no notice was issued to her prior to the issuance of the notice dated 31.07.2019.

3.The 2nd respondent filed a counter wherein it has been stated that a notice under Section 220 read with Section 222 of the Chennai City Municipal Corporation Act, 1919 was issued on 29.05.2019 and that the petitioner has also given a reply to the same.

4.The learned counsel for the petitioner also admitted that the petitioner had given a reply to the notice dated 29.05.2019 issued by the Corporation of Chennai.

5.Further, in the counter it has been stated that the petitioner had encroached upon the road and put up a construction measuring an extent of 2,906 sq.ft. in T.S.No.8 Block No.1, which is a Sarkar Poromboke and in the Adangal, the encroached portion is shown in the name of MTH Road belonging to Greater Chennai Corporation up to the burial ground.

6.Inspite of the notice dated 29.05.2019 and the reply sent by the petitioner, the petitioner contended that no notice was sent to her prior to the passing of the impugned order dated 31.07.2019. It is also pertinent to note that one B.Santha Kumar filed a Writ Petition in W.P.No.23104 of 2017 to remove the encroachment at Door No.249 - 250, MTH Road and this Court, by order dated 30.10.2017, directed the authorities to remove the encroachment within a fortnight from the date of receipt of a copy of the order. Subsequently, the petitioner therein filed a Contempt Petition in Contempt Petition No.1483 of 2018. Pursuant to the orders passed by this Court, the Tahsildar, Aminjikarai Taluk surveyed and ear-marked the boundaries of MTH Road and furnished a report dated 18.03.2019 to the Corporation of Chennai stating that the encroached public road, measuring an extent of 2,906 sq.ft., is Sarkar Poromboke and in the Adangal, it has been mentioned as MTH Road belonging to the Greater Chennai Corporation.

7.When the petitioner has encroached the MTH Road and put up construction, no indulgence can be shown to her. That apart, she was also duly served with notice dated 29.05.2019, which was also received by her and a reply was given by her. In such view of the matter, we do not find any ground to interfere with the

impugned order dated 31.07.2019. The Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Regional Deputy Commissioner,
Greater Corporation of Chennai,
Corporation Office, Chennai.
- 2.The Zonal Officer, Zone - VIII,
Greater Chennai Corporation,
No.36 B, Pulla Avenue,
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- 3.The Tahsildar,
Aminjikarai Taluk.

+1cc to Government Pleader sr.77410

W.P.No.23801 of 2019 and
W.M.P.No.23665 of 2019

ppa(co)
nr 14/10/2019

सत्यमेव जयते

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