

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1.10.2019

CORAM

THE HONOURABLE JUSTICE, DR. VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.P.No.28746 of 2019

Prem Lata Sharma

Petitioner

Versus

1. The Commissioner,
Greater Chennai Corporation,
Chennai.
2. The Assistant Engineer
Corporation of Chennai.
Chinthadaripet.
3. The Secretary,
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

4. Mr. Kamraj

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to consider the Petitioner's representation dated 1.6.2019 and thereby directing respondents 1 to 3, herein to remove the illegal encroachments and to restore the pathway to its original position as made by 4th respondent over the pathway by removing the constructions made by the 4th respondent.

For Petitioner : Mr. A. Manoj Kumar

For RR1 and 2 : Mr. V. C. Selvasekaran

For R3 : Mr. P. S. Ganesh

ORDER

(Order of the court was made by Dr. VINEET KOTHARI, ACJ.)

The Petitioner, Prem Lata Sharma, wife of B.K. Sharma has filed this Petition with the following prayer:-

"Writ of mandamus to consider the Petitioner's representation dated 1.6.2019 and thereby directing respondents 1 to 3, herein to remove the illegal encroachments and to restore the pathway to its original position as made by 4th respondent over the pathway by removing the constructions made by the 4th respondent."

2. Having heard the learned counsel Mr.A.Manoj Kumar for the Petitioner, Mr.V.C.Selvasekaran, learned counsel for Respondents 1 and 2 and Mr.P.S.Ganesh, learned counsel for Respondent No.3, we are satisfied that an efficacious remedy for the Petitioner is prescribed in G.O.(Ms.)No.540 Revenue (LD6(2)) Department dated 4.12.2014, which was issued in pursuance of the orders passed by this court dated 11.8.2014 and 8.10.2014 in W.P.No.26722 of 2013. The said G.O. provides for an inbuilt mechanism for redressing such grievances.

3. Therefore, the Petitioner is free to implead the requisite parties including the Corporation of Chennai and adopt the procedure prescribed in the said G.O. to seek her remedy or to file a Civil Suit as there are factual questions and disputes to be resolved between the parties regarding raising of unauthorised construction encroaching the common passage. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Commissioner,
Greater Chennai Corporation,
Chennai.
2. The Assistant Engineer
Corporation of Chennai.
Chinthadaripet.
3. The Secretary,
Chennai Metropolitan Development
Authority,
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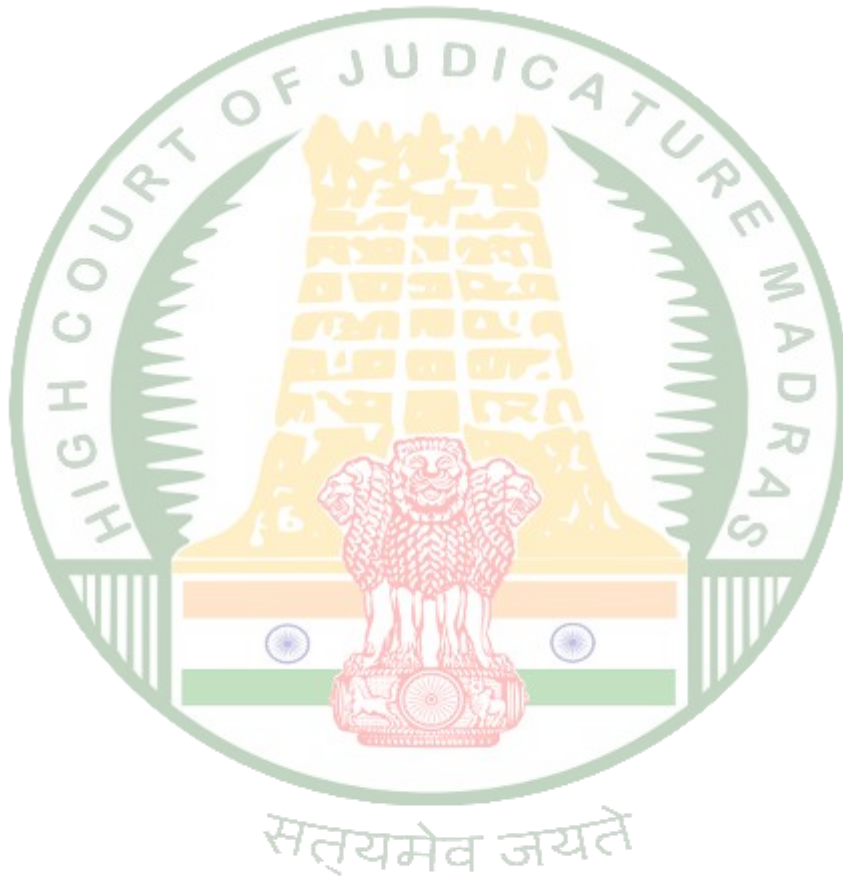
+1cc to Mr.P.S.Ganesh, Advocate SR.83939

W.P.No.28746 of 2019

(CO)

CB(08/11/2019)

CB(09/12/2019)



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