

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.30900 OF 2019

B.Sateesh Kumar

... Petitioner

Vs

1. The Secretary Local Administration Department,
Tamil Nadu Government,
Fort St.George,
Chennai 600 009.
2. The Chennai Metro Development Authority,
Rep.by its Member Secretary,
Egmore, Chennai 600 008.
3. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
4. The Zonal Executive Engineer,
Zone - IV, No.266, Thiruvotriyur High Road,
Chennai 600 021.
5. Munusami
6. Jothi

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 3 and 4 to take necessary action on the petitioner's representation by way of notice dated 24.07.2019 thereby removing the unauthorised structures put up by the respondents 5 and 6 in the road adjoining the petitioner's premises bearing Revenue in R.S.No.3530/12 and 3530/14 of B Block in the first street of Kasipuram in Tondiarpet, Chennai 600 081, in accordance with law within specified time framed by

this Hon'ble Court.

For Petitioner : Mr.P.Rajendra Kumar

For Respondents: Mr.K.S.Suresh Government Advocate
for R1
Mr.P.S.Ganesh for R2
Mr.V.C.Selvasekaran for R3 & R4

O R D E R

[Order of Court was made by R.SUBBIAH,J]

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 3 and 4 to take necessary action on his representation by way of notice dated 24.07.2019, thereby removing the unauthorised structures put up by the respondents 5 and 6 in the road adjoining the petitioner's premises bearing R.S.Nos.3530/12 and 3530/14 of "B" Block in the first street of Kasipuram in Tondiarpet, Chennai 600 081, in accordance with law, within specified time.

2. The petitioner's father is the owner of the premises bearing R.S Nos.3230/12 and 3530/14 of B Block in the 1st street of Kasipuram in Tondiarpet, Chennai 81 and the private respondents 5 and 6 have put up unauthorised construction in the road adjoining the petitioner's premises. The petitioner has sent a legal notice to the respondents and others, thereby calling upon them to take immediate action to remove the encroachment made by the respondents 5 and 6 in the road. The said notice was received by respondents 1 to 4 but notice sent to respondents 5 and 6 returned 'unclaimed'. Again, the petitioner had sent a legal notice to respondents 3 and 4 reminding them about the letter dated 10.06.2019 by the C.M.D.A and to take necessary action to remove the encroachment in the road. Since no action had been taken by the respondents 3 and 4, the present writ petition is filed.

3. Mr.V.C.Selvasekaran, learned counsel appearing for the respondents 3 and 4 has filed a counter affidavit stating that on receipt of the complaint from the petitioner herein, the site in question was inspected by the Assistant Executive Engineer, Unit-10, Zone-IV and the Assistant Engineer, Division - 43, Unit - 10, Zone - IV, Greater Chennai Corporation on 30.08.2019 and found that no construction activity is being carried out by the respondents 5 and 6. After inspecting the site in question a letter dated 03.09.2019 has been addressed to the Tahsildar,

Tondiarpet Taluk requesting the demarcate the boundaries of the road adjoining R.S.No.3530/12 and 3530/14 of "B" Block in the 1st street of Kasipuram in Tondiarpet for taking further action on the petitioner's representation. On receipt of the notice in the above writ petition, a reminder letter dated 14.11.2019 had been addressed to the Tahsildar, Tondiarpet Taluk to demarcate the boundaries of the road adjoining R.S.No.3530/12 and 3530/14 of B Block in the 1st street of Kasipuram in Tondiarpet. Further action on the petitioner's representation will be taken only on receipt of the survey report from the Tahsildar, Tondiarpet Taluk.

4. In view of the above submissions made by the learned counsel for the respondents 3 and 4, the Tahsildar, Tondiarpet Taluk, Chennai is directed to furnish the survey report to the respondents 3 and 4 within a period of six weeks from the date of receipt of a copy of this order and thereafter the respondents 3 and 4 are directed to take appropriate action in that regard and also taking into account the representation of the petitioner dated 10.06.2019 & 24.07.2019 within a period of two weeks. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Deputy Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

dpq
To

1. The Secretary Local Administration Department,
Tamil Nadu Government,
Fort St.George,
Chennai 600 009.
2. The Chennai Metro Development Authority,
Rep.by its Member Secretary,
Egmore, Chennai 600 008.
3. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

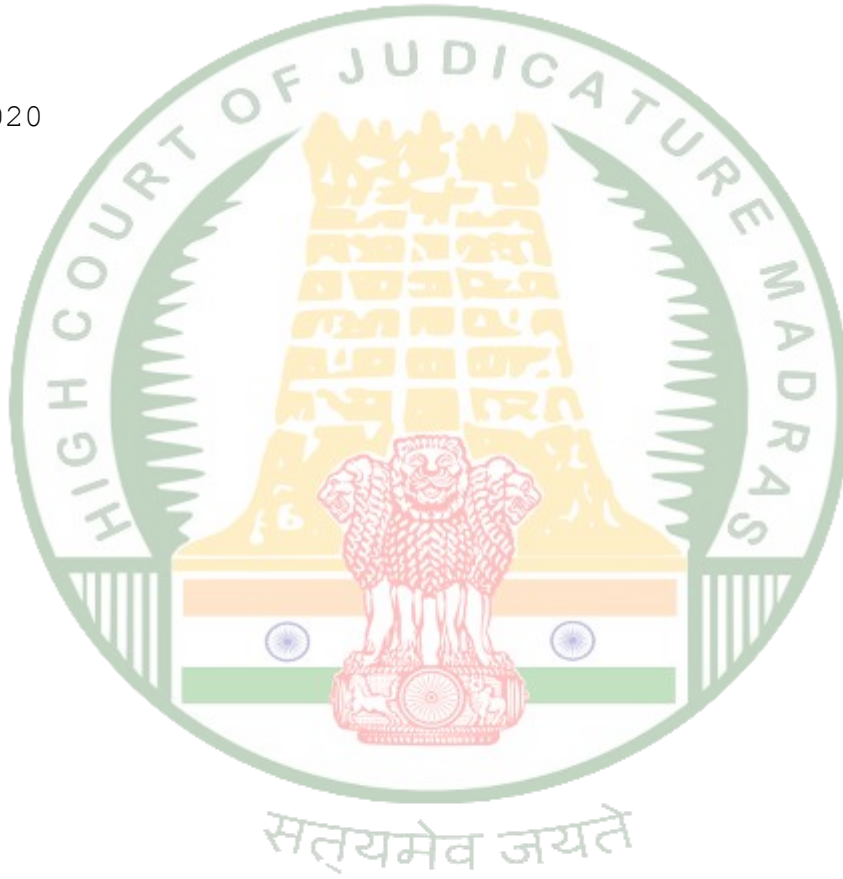
4. The Zonal Executive Engineer,
Zone - IV, No.266, Thiruvotriyur High Road,
Chennai 600 021.

5. The Tahsildhar
Tondiarpet Taluk
Chennai.

+1cc to M/s.P.S.Ganesh Advocate sr10277
+1cc to M/s.N.R.Gopalan Advocate sr102717

Writ Petition No.30900 OF 2019

aa05/02/2020



WEB COPY