



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2019

CORAM

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

W.P.No.16694 of 2017

St. Thomas Mount People Welfare Association
Rep. by its Secretary, E.Sathiskumar
60/1, Mettu Street, Butt Road
St.Thomas Mount
Chennai - 600 016.

.. Petitioner

Vs

- 1 The Union of India
Rep. by Defence Secretary
Ministry of Defence
Government of India
South Block
New Delhi.
- 2 The Director General of Defence Estates
RakshaSampada Bhawan
Ulaanbaatar Marg
Delhi Cantonment - 10.
- 3 The Chief Executive Officer/President
O/o. Cantonment Board
St. Thomas Mount Cum Pallavaram
Chennai - 600 016.
- 4 Shankar
- 5 Babu
- 6 Ganesh
- 7 M.S.D.Thenraja
Vice President, Cantonment Board
No.100, Butt Road
Opp. to Cantonment Kalyanamandapam
St. Thomas Mount-Cum-Pallavaram
Chennai



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8 J.Gunasekar
III Ward Councilor
Cantonment Board
St. Thomas Mount-Cum-Pallavaram
No.3/32 Mettu Street
St. Thomas Mount
Chennai - 16.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to remove the encroachment made by respondents 4 to 6 in Cantonment Land in R.S.No.1773 of St. Thomas Mount Chennai Meant for public purpose by considering petitioner's representation dated 30.07.2016

For Petitioner : Mr.R.Prabakar

For Respondents : Respondents 1 and 2
Not ready in notice

Mr.C.Mohan
for M/s.King and Patridge
for 3rd respondent

Mr.K.Sudhakar
for 4th respondent

Mr.T.S.Vijayaraghavan
for respondents 5 and 6

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard Mr.R.Prabakar, learned counsel for the petitioner; Mr.C.Mohan, learned counsel for the third respondent; Mr.K.Sudhakar, learned counsel for the fourth respondent and Mr.T.S.Vijayaraghavan, learned counsel for respondents 5 and 6.

2. The case of the petitioner is that respondents 4 to 6 have encroached on cantonment land in R.S.No.1773 of St. Thomas Mount Chennai, which is meant for public purpose. The petitioner has prayed that the said encroachment and unauthorised construction be removed.



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3. The learned counsel for the third respondent, i.e., the Chief Executive Officer, Cantonment Board, has filed a counter affidavit, wherein it is stated that in relation to the encroachment and unauthorized construction, action has been initiated and notice has been issued on 5.4.2018 to respondents 4 and 6. In the said counter affidavit, it is further stated that thereafter the unauthorized construction put up by respondents 4 and 6 has been removed.

4. In view of the above, no further orders are necessary at this stage. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Defence Secretary
Union of India
Ministry of Defence
Government of India
South Block
New Delhi.
- 2 The Director General of Defence Estates
RakshaSampada Bhawan
Ulaanbaatar Marg
Delhi Cantonment - 10.
- 3 The Chief Executive Officer/President
O/o. Cantonment Board
St. Thomas Mount Cum Pallavaram
Chennai - 600 016.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.60938
+1cc to Mr.K.Sudhakar, Advocate, S.R.No.60944
+1cc to M/s.King & Partridge, Advocate, S.R.No.60827

W.P.No.16694 of 2017

CP(CO)

RRS(06/08/2019)