

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.33633 of 2018

Mangayarkarasi

.. Petitioner

-vs-

- 1.The Secretary,
Municipal Administration,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The Commissioner,
Chennai Corporation,
Ribbon Building,
Chennai - 600 003.
- 3.The Zonal Officer,
New Zone X, Chennai Corporation,
Chennai - 600 024.
- 4.The District Collector,
Chennai District,
Chennai - 600 001.
- 5.The Thasildar,
Guindy-Mambalam Taluk,
Chennai.
- 6.The General Manager,
Southern Railways,
Chennai-600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the impugned notice of the third respondent dated 27.07.2018 vide Ref Ma.A.10 Na. Ka.No.6971/2018 and quash the same as illegal and consequently issue a direction to the respondents to allot alternative shop in the locality to

do business and forbear the respondents, their officers, subordinates or any other person acting under them from any manner interfering the fundamental rights of the petitioner.

For Petitioner : Dr.E.Dharmaraj

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1, 4 & 5

Mr.K.Soundarrajan
for respondent Nos.2 & 3

Mr.P.T.Ramkumar
for respondent No.6

ORDER

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

Heard Dr.E.Dharmaraj, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent Nos.1, 4 and 5; Mr.K.Soundarrajan, learned counsel for respondent Nos.2 and 3 and Mr.P.T.Ramkumar, learned counsel for respondent No.6.

2. The petitioner has filed this writ petition being aggrieved by the notice dated 27.07.2018 issued by respondent No.3. The said notice is issued under Sections 220 and 222 of the Chennai City Municipal Corporation Act, 1919. In the said notice, it is stated that 30 feet of land was encroached by the petitioner in T.Nagar Railway Border Road and she was requested to remove the encroachment within seven days. It is further stated in the said notice that if the encroachment is not removed within the stipulated time, the petitioner will be evicted.

3. The learned Government Pleader (i/c) as well as the learned counsel for Chennai Corporation state that action has already been initiated against the petitioner and on 28.08.2018, 22 encroachments have already been removed, which include the petitioner's premises in the Railway Border Road. It is further stated that out of 22 encroachers, one P.Muzhumathi has challenged the very same notice by filing a writ petition i.e., W.P.No.23162 of 2018, and this Court, by an order dated 09.11.2018, after going through the detailed counter-affidavit filed by the Chennai Corporation in the said writ petition, had

dismissed the said writ petition by holding that the petitioner therein is an encroacher and she is not entitled to seek the relief as sought for by her. In the order dated 09.11.2018 in W.P.No.23162 of 2018, it is also reflected that the petitioner and other encroachers were removed on 28.08.2018 from Railway Border Road Junction, T.Nagar with the help of Tamil Nadu Police Department and TANGEDCO.

4. In this view of the matter, we are not inclined to entertain the present writ petition. The writ petition is dismissed. No costs. Consequently, W.M.P.No.39037 of 2018 is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Secretary,
Municipal Administration,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The Commissioner,
Chennai Corporation,
Ribbon Building,
Chennai - 600 003.
- 3.The Zonal Officer,
New Zone X, Chennai Corporation,
Chennai - 600 024.
- 4.The District Collector,
Chennai District,
Chennai - 600 001.
- 5.The Thasildar,
Guindy-Mambalam Taluk,
Chennai.

6.The General Manager,
Southern Railways,
Chennai-600 003.

+1cc to Mr.K.Soundararajan, Advocate, S.R.No. 17363
+1cc to Mr.E.Dharmaraj, Advocate, S.R.No. 17577
+1cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.17206
+1cc to the Government Pleader, S.R.No. 17306

W.P.No.33633 of 2018

EV (CO)
GN(20/03/2019)



WEB COPY