

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.29437 of 2018

E.Suresh

.. Petitioner

-vs-

1.Greater Chennai Corporation,
rep. by its Commissioner,
Rippon Building,
Chennai - 3.

2.Zonal Officer,
Zone-7 (Ambattur),
Greater Chennai Corporation,
Chennai - 53.

3.S.Subbiah

4.S.Santhi

5.The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai - 53.

.. Respondents

(Respondent No.5 impleaded vide order dated
23.01.2019 made in WMP.No.1514 of 2019)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to remove the illegal and unauthorised construction being made by the 3rd and 4th respondents in the public pathway situated in Survey No.10/1C, Kabaleeshwarar Nagar, Karukku, Ambattur, Chennai - 600 053 by considering the petitioner's representation dated 26.06.2018 within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner : Mr.Neelakandan
for M/s.K.Shanmugam

For Respondents : Mr.V.C.Selvasekaran
for respondent Nos.1 &2

Mrs.Sangeetha Rajkumar
for respondent Nos.3 and 4

Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent No.5

ORDER

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

Heard Mr.Neelakandan, learned counsel for the petitioner; Mr.V.C.Selvasekaran, learned counsel for respondent Nos.1 and 2; Mrs.Sangeetha Rajkumar, learned counsel for respondent Nos.3 and 4 and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent No.5.

2. The petitioner is seeking direction to respondent Nos.1 and 2 to remove the illegal and unauthorised construction being made by respondent Nos.3 and 4 in the public pathway situated in Survey No.10/1C, Kabaleeshwarar Nagar, Karukku, Ambattur, Chennai - 600 053 in the light of the petitioner's representation dated 26.06.2018. Respondent No.4 is the wife of respondent No.3.

3. The learned Government Pleader (i/c) has tendered the status report of respondent No.5 i.e., the Tahsildar, Ambattur, wherein it is stated that respondent Nos.3 and 4 have encroached the said 10 feet road to the extent of 15.5 square meter (166 square feet).

4. The learned counsel for respondent Nos.1 and 2 pointed out that in relation to the encroachment, they have issued a stop work notice under the Tamil Nadu Town and Country Planning Act, 1971 to respondent No.3. The said notice is dated 26.06.2018. Thereafter, the respondent Corporation had issued locking and sealing and demolition notice under the Tamil Nadu Town and Country Planning Act, 1971. This notice, which was issued to respondent No.3,

is dated 10.09.2018. Thereafter, the respondent Corporation had issued de-occupation notice under the Tamil Nadu Town and Country Planning Act, 1971 to respondent No.3. The said notice is dated 07.01.2019. Thus, it is seen that the authorities of the respondent Corporation are taking action in relation to the said encroachment. Therefore, no further orders are required to be passed in this writ petition at this stage.

5. In view of the above, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai- 3.
- 2.The Zonal Officer,
Zone-7 (Ambattur),
Greater Chennai Corporation,
Chennai - 53.
- 3.The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai - 53.

+1cc to Mrs.Sangeetha Rajkumar , Advocate SR.No. 31463
+1cc to M/s.K.Shanmugam , Advocate SR.No. 30839
+1 cc to Government Pleader SR.NO. 31302

W.P.No.29437 of 2018

ssi (CO)
A.SK(24/04/2019)

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