

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.30974 of 2018

P.Sathiya Priya

.. Petitioner

-vs-

- 1.The District Collector,
Collectorate Office, Thiruvallur District.
- 2.The Commissioner,
Greater Corporation of Chennai,
Ripon Building, Chennai.
- 3.The Commissioner of Police,
Commissioner Office,
Vepary, Chennai-03.
- 4.The Tahsildar,
Taluk Office, Maduravoyal.
- 5.The Assistant Engineer,
Division-144, Zone-11,
Corporation of Chennai,
Maduravoyal, Chennai 600 095.
- 6.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
- 7.Ruah Trading Company,
Rep. by Managing Director, Mr.Anand.

8.T.Lakshmi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to enquire into the complaint dated 26.02.2018 and

12.03.2018 and consequently direct the 1st respondent to remove the encroachment put up by the 7th and 8th respondents on the 40 feet wide public road on the northern side of petitioner's property for easy access to the residents and the petitioner herein from and to the Poonamallee High Road.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents: Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.) for RR 1, 3, 4 & 6
: Mr.R.Arunmozhi
Stdg. Counsel for R-2
: No appearance for RR-5, 7 & 8

O R D E R

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

Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) appearing for respondent nos.1, 3, 4 and 6 as also Mr.R.Arunmozhi, learned Standing Counsel appearing for respondent no.2.

2.The petitioner is seeking directions to respondent no.1 to enquire into his complaint dated 26.02.2018 and 12.03.2018 in relation to removal of encroachment put up by 7th and 8th respondents on the 40 feet wide public road on the northern side of petitioner's property. The property of the petitioner is situated at Survey Nos.127/317A and 127/317B of Varalakshmi Nagar, Maduravoyal, Chennai.

3.The affidavit filed on behalf of the Corporation of Chennai shows that there is no encroachment in the said survey numbers. In the counter-affidavit filed by respondent no.4, Tahsildar, it is stated that during the field inspection and measurement on 07.01.2019 by Deputy Inspector of Survey Maduravoyal Taluk along with Assistant Engineer, Division 144, Greater Chennai Corporation, it was found that there is no Road available in the Specific Survey Nos.127/317A and 127/317 B of Varalakshmi Nagar.

4.Thus, from the counter affidavits filed by respondent no.2/Corporation of Chennai as well as respondent no.4/Tahsildar, it is seen that there is no encroachment put up by anyone in the said survey numbers.

In view of these facts, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Collectorate Office, Thiruvallur District.
- 2.The Commissioner,
Greater Corporation of Chennai, Ripon Building, Chennai.
- 3.The Commissioner of Police,
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Division-144, Zone-11,
Corporation of Chennai,
Maduravoyal, Chennai 600 095.
- 6.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.17226
+1cc to Mr.R.Abdul Mobeen, Advocate, S.R.No. 16015
+1cc to the Government Pleader, S.R.No. 16613

VSN II (CO)
GN(13/03/2019)

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