

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.3309/2020

P.Vijayakumar

....

Petitioner

Versus

The Commissioner
Corporation of Avadi
Chennai-600 054.

....

Respondent

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the respondent to remove the encroachments on both the sides of the St. Thomas Road, Nehru Nagar, Pattabiram, Chennai-72, connecting the bridge on storm water canal, obstructing the flow of storm water and movement of vehicles on the road, based on the petitioner's representation dated 03.06.2019.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondent : Mr.P.Srinivas, Standing counsel

सत्यमेव जयते
ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.P.Srinivas, learned Standing counsel accepts notice on behalf of the 1st respondent.
- (2) The petitioner is a resident of Velankanni Street, Charles Nagar, Pattabiram, Chennai-72 and according to him, in the road, viz., St. Thomas Road, Nehru Nagar, Pattabiram, Chennai-72, on public pathway/road, encroachments/unauthorised construction in the form of compound walls exist and that apart, there are unauthorised parkings of cars and two-wheelers and as a consequence, the residents of the locality have been

denied right of way/free access and the petitioner, in this regard, has also submitted a detailed representation on 03.06.2019 to the respondents with a copy marked to the Assistant Commissioner of Police, Pattabiram, and the Inspector of Police, T9 Pattabiram Police Station, Chennai-72, and despite, receipt and acknowledgment, no action has been taken and therefore, the petitioner is constrained to approach this Court by filing the present writ petition styled as a public interest litigation.

(3) The learned counsel for the petitioner has also drawn the attention of this Court to the photographs available at pages No.5 to 6A of the typed set of documents.

(4) Mr. P. Srinivas, learned Standing counsel appearing for the respondent, on instructions, would submit that necessary and appropriate action will be taken after causing inspection of the said street.

(5) This Court has considered the rival submissions and also perused the materials placed before it.

(6) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondent along with the Inspector of Police, T9 Pattabiram Police Station, Chennai-72, to cause joint inspection of St. Thomas Road, Nehru Nagar, Pattabiram, Chennai-72, within a period of three weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, finds that there are encroachments / obstructions, the respondent shall take appropriate action in accordance with law by also adhering to the principles of natural justice and the said exercise is to be completed within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the person/s concerned.

(7) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

The Commissioner
Corporation of Avadi
Chennai-600 054.

Copy to:-

1.The Assistant Commissioner of Police
Pattabiram Range, Chennai-72.

2.The Inspector of Police
T9 Pattabiram Police Station
Chennai-72.

+lcc to Mr.P.Srinivas, Advocate Sr.11561

W.P.No.3309 of 2020

vg II[co]
srg 16/03/2020



WEB COPY