

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.32374 of 2013

M.Savithiri

... Petitioner

Vs.

The Commissioner,
Avadi Municipality,
Avadi, Chennai - 600 054.

... Respondent

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondent to remove the water tank installed in the petitioner's private property bearing Door No.52 (Old No.50), V.O.C. Street, N.V. Mettur, Avadi, Chennai - 600 071 by passing orders on petitioner's representations dated 27.06.2013 and 30.07.2013.

For Petitioner : Mr.C.Balasundar

For Respondent : Mr.P.Srinivas

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondent to remove the water tank installed in the petitioner's private property bearing Door No.52 (Old No.50), V.O.C. Street, N.V. Mettur, Avadi, Chennai - 600 071 by passing orders on petitioner's representations dated 27.06.2013 and 30.07.2013.

2.Mr.C.Balasundar, learned counsel appearing for the petitioner submitted that the respondent had installed the water tank in the petitioner's property and therefore, the petitioner has given two representations dated 27.06.2013 and 30.07.2013 for removal of the same, however, the respondent has not passed any order so far. Further, the learned counsel submitted that it would be suffice to direct the respondent to pass orders on the petitioner's representations in accordance with law.

3.Mr.P.Srinivas, learned counsel appearing for the respondent submitted that the water tank has been installed only on the road and not in the petitioner's private property. However, the learned counsel for the respondent submitted that

the petitioner's representations would be considered and suitable orders would be passed by the respondent in four weeks time.

4.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the case, I direct the respondent to consider the petitioner's representations dated 27.06.2013 and 30.07.2013 and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

va

To

The Commissioner,
Avadi Municipality,
Avadi, Chennai - 600 054.

सत्यमेव जयते

W.P.No.32374 of 2013

MG (CO)
GMY (23/09/2020)

WEB COPY