

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.17970 of 2019 and 2330 of 2020
and
W.M.P.Nos.2708, 2712 & 2718 of 2020

In W.P.No.17970/2019 :

S.Tamilarasi,
Plot No.3015A, Ram Nagar South 6th Cross Street,
Ram Nagar (South)
Chennai - 600 091.

... Petitioner

.. Vs ..

1. The Commissioner,
Chennai City Municipal Corporation,
Ripon Building, Chennai - 600 003.
2. The Zonal Officer,
Zone - XIV,
Madipakkam,
Chennai - 600 091.
3. The Executive Engineer,
Zone - XIV,
Madipakkam,
Chennai - 600 091.

... Respondents

In W.P.No.2330 /2020 :

S.Tamilarasi,
P.G.Assistant (Tamil),
Chennai Corporation Higher Secondary School (Retd.),
Plot No.3015A, Ram Nagar South 6th Cross Street,
Madipakkam, Chennai - 600 091.

... Petitioner

.. Vs ..

1. The Commissioner,
Chennai City Municipal Corporation,
Ripon Building, Chennai - 600 003.

2. The Zonal Officer,
Zone - XIV,
Chennai City Municipal Corporation,
Dr.Ambedkar Road, Chennai - 600 091.
 3. The Executive Engineer-II,
Zone-XIV,
Chennai City Municipal Corporation,
Dr.Ambedkar Road, Chennai - 600 091.
 4. The Assistant Executive Engineer,
Division 188 Part 42, Zone-XIV,
Chennai City Municipal Corporation,
Dr.Ambedkar Road, Chennai - 600 091.
 5. The Assistant Engineer,
Division 188 Part 42, Zone-XIV,
Chennai City Municipal Corporation,
Dr.Ambedkar Road, Chennai - 600 091.
 6. The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.
 7. A.Venkatesan,
 8. The Deputy Director,
Town and Country Planning,
Chengalpattu Zone,
124, G.S.T.Road, Chengalpattu-1.
 9. The Director,
Town and Country Planning,
807, Anna Salai, Chennai - 600 002.
 10. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- ... Respondents

Prayer in W.P.No.17970/2019:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to take appropriate action on the representation of the petitioner dated 24.05.2019 to restore the public road for the utilisation of the public within a reasonable period as may be fixed by this Court.

Prayer in W.P.No.2330/2020 :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of

Certiorarified Mandamus, calling for the records relating to the impugned letter of the 5th respondent issued in ZO.188 Na.Ka.No./Special/2019 dated 05.09.2019 and quash the same and consequently direct the 1st, 2nd and 3rd respondents to restore the Public Road as approved in the Layout by the 8th and 10th respondents as admittedly accepted by the 3rd respondent in his report submitted to this Hon'ble Court dated 10.07.2019 in W.P.No.17970 of 2019 within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner in both W.Ps. : Mr.T.Ranganathan

For R1 to R3 in both W.Ps. : Mr.K.Raja Shrinivas

For R4, R5, R7 & R10

in W.P.No.2330/2020 : No appearance

For R6, R8 & R9

in W.P.No.2330/2020 : Mr.R.Vijaya Kumar

Additional Government Pleader

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COMMON ORDER

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

The petitioner has filed Writ Petition in W.P.No.17970 of 2019 seeking a direction to the respondents therein to take action on her representation dated 24.05.2019 on the premise that the public road has been encroached by the scours of unnamed persons. Thereafter, W.P.No.2330 of 2020 has been filed by the very same petitioner, challenging the Letter dated 05.09.2019 sent by the Assistant Engineer of Division 188, Zone XIV, Greater Chennai Corporation to the Tahsildar, Sholinganallur Taluk.

2.After the aforesaid communication, which is a communication sent by the official of the Corporation of Chennai, to the Tahsildar, Sholinganallur Taluk, a reply was given by the said Tahsildar dated 23.01.2020 stating that the letter should be addressed to the concerned Tahsildar in Kancheepuram District. However, a further report was submitted in and by the proceedings dated 06.02.2020.

3. The learned counsel appearing for the petitioner submitted that the information furnished by the Information Officer, Zone XIV, dated 18.02.2020 shows the existence of road connecting Ram Nagar 4th Main Road on the East and West by the 6th Cross Street running South to North beyond the water tank and the same has also been indicated in the approval plan issued by the Chennai Metropolitan Development Authority.

4.Considering the said submissions made by the petitioner, we direct the respondent Nos.2 to 5 in W.P.No.2330 of 2020 to take appropriate action by taking into consideration of the relevant materials including the communication sent by the concerned Tashildar, the approved plan issued by the Chennai Metropolitan Development Authority on the representation of the petitioner and to take appropriate action over the alleged encroachment, if any, by restoring the public road. Appropriate action will be taken within a period of 12 weeks from the date of receipt of copy of this order duly following the procedure of law.

5. With the above direction, both the Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Chennai City Municipal Corporation,
Ripon Building, Chennai - 600 003.
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Zone - XIV,
Chennai City Municipal Corporation,
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Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
10. The Zonal Officer,
Zone - XIV,
Madipakkam,
Chennai - 600 091.
11. The Executive Engineer,
Zone - XIV,
Madipakkam,
Chennai - 600 091.

+1cc to Mr.K.Raja Shirinivas, Advocate, Sr.No.29999
+1cc to Mr.T.Ranganathn, Advocate, Sr.No.30283
+1cc to the Government Pleader, Sr.No.30260

W.P.Nos.17970/2019 & 2330/2020
and
W.M.P.Nos.2708, 2712 & 2718 of 2020

mr (co)
rr ii (29/09/2020)