

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.18501 of 2019

P.Kubendiran

...Petitioner

Vs

1. The Commissioner,
Thiruverkadu Municipality
Thiruverkadu
Chennai 600 077
2. The Planning Inspector (Town Planning)
Thiruverkadu Municipality
Thiruverkadu
Chennai 600 077.
3. The Health Inspector
Thiruverkadu Municipality
Thiruverkadu
Chennai 600 077.
4. J.Vinoth Kumar
5. V.Jayachandran
6. The Tamil Nadu Local Bodies Ombudsman
100, Anna Salai,
Guindy, Chennai 600 032.
7. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.
8. The Revenue Divisional Officer,
Thiruvallur 602 001,
Thiruvallur District.

9. The Thasildar,
Poonamallee Taluk,
Poonamallee - 600 056.
Thiruvallur District

... Respondents

(R7 to R9 impleaded as per order dated
07.01.2020 made in WMP.No.28913 of 2019
in W.P.No.18501 of 2019 by RPSJ, RPAJ)

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to implement the orders dated 11.01.2019 passed by the 6th respondent in Appeal petition No.183/Municipality/2018 with respect to the illegal workshop run by the respondents 4 and 5 within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

For Respondents: Mr.R.Mohan Doss for R1 & R2
No appearance for R3 to R5
Mr.B.Nedunchezhiyan for R6
Mr.V.Shanmuga Sundar
Spl.Govt.Pleader for R7 to R9

O R D E R

[Order was delivered by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to implement the orders dated 11.01.2019 passed by the 6th respondent in Appeal petition No.183/Municipality/2018 with respect to the illegal workshop run by the respondents 4 and 5 within the time that may be fixed by this Court.

2. It is the case of the petitioner that he is a senior citizen residing at No.19/12, Ambedkar Street, Kizh Ayanambakkam, Chennai-95. While so, the respondents 4 and 5 have illegally encroached the poramboke land belonging to the first respondent Municipality and put up a compound wall which is 10 feet away from the petitioner's house and further started Heavy Vehicles Workshop at 10, Bharathiyar street Kizh Ayanambakkam, Chennai without obtaining any licence and paying any tax. The respondents 4 & 5 put up a big shed for the said workshop without obtaining planning permission from the first respondent Municipality. The petitioner has made a complaint to the first respondent as well as to the second and third respondents, since

the respondents 1 to 3 have not taken any effective step to prevent the said illegal workshop in the residential area, he has filed an appeal before the Tamil Nadu Local Bodies Ombudsman, Chennai, the 6th respondent herein. Though the sixth respondent directed the first respondent to take action for the removal of the said illegal workshop, the first respondent has not taken any action to implement the order passed by the 6th respondent. Hence the writ petition.

3. The learned counsel appearing for the sixth respondent submitted that vide Appeal Petition No.183/Municipality/2018 dated 11.01.2019, the sixth respondent passed an order to take action against the respondents 4 and 5.

4. In view of the above order passed by the sixth respondent, this Court directs the respondents 7 to 9 to initiate eviction process against the respondents 4 & 5 by issuing notice as per Land Encroachment Act. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Thiruverkadu Municipality
Thiruverkadu
Chennai 600 077
2. The Planning Inspector (Town Planning)
Thiruverkadu Municipality
Thiruverkadu
Chennai 600 077.
3. The Health Inspector
Thiruverkadu Municipality
Thiruverkadu
Chennai 600 077.

4. The Tamil Nadu Local Bodies Ombudsman
100, Anna Salai,
Guindy, Chennai 600 032.

5. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.

6. The Revenue Divisional Officer,
Thiruvallur 602 001,
Thiruvallur District.

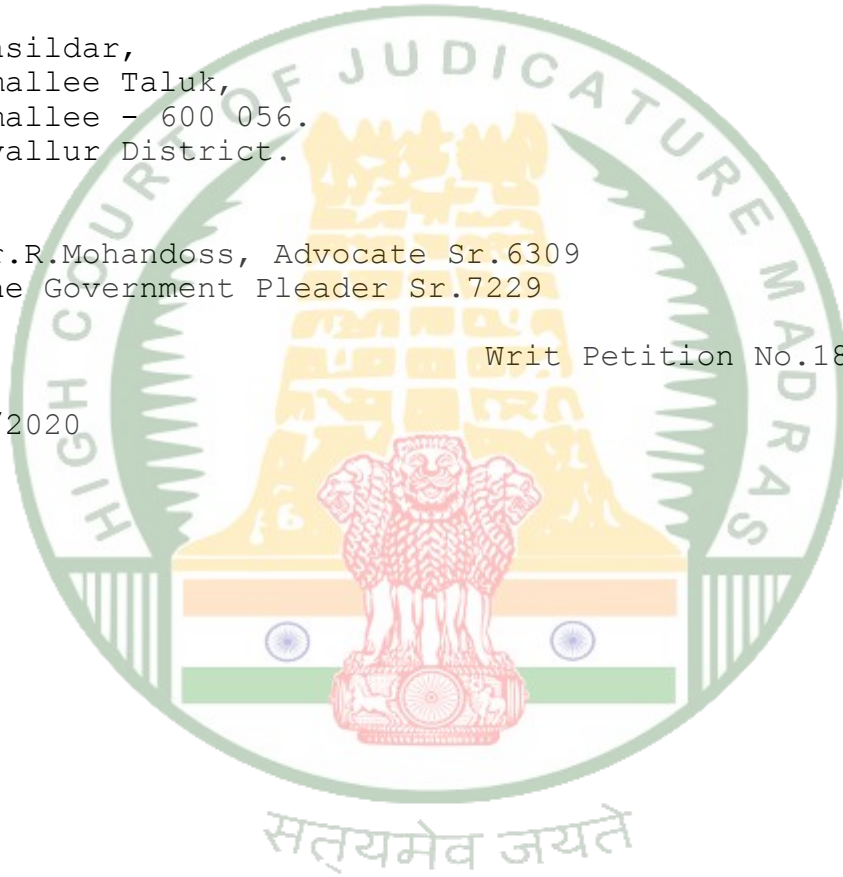
7. The Thasildar,
Poonamallee Taluk,
Poonamallee - 600 056.
Thiruvallur District.

+1cc to Mr.R.Mohandoss, Advocate Sr.6309

+1cc to the Government Pleader Sr.7229

Writ Petition No.18501 of 2019

srg 13/02/2020



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