

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

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

W.P.No.21610 of 2019

K.Vijay

... Petitioner

Vs

1. Assistant Divisional Engineer,
Highways Department,
Nehru Bazaar Road, Ambattur Sub Division
Avadi, Chennai 600 054.
2. The Chennai Metropolitan Development Authority,
Rep.by its Member Secretary,
' Thalamuthu Natarajan Building'
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
3. Zonal Officer
Zone - 3, Greater Chennai Corporation,
No.1, Thattankulam Street, Bazar Road,
Madhavaram, Chennai 600 060.
4. Sumangali Stores,
Southern side of Door No.299,
Plot No.315, R.S.No.19/1,
Ambattur Redhills/Puzhal Highways Road,
Annai Indira Nagar, Surapet Village,
Chennai 600 099.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 3 to consider the petitioner's representation dated 18.03.2019 sent to the respondents within a time frame as prescribed by this Court and further remove the encroachment in the Ambattur Redhills/Puzhal Road situated on the southern side

of the property in R.S.No.19/1(Part).

For Petitioner : M/s.B.Deepak Narayanan

For Respondents: Mr.V.Shanmuga Sundar
Special Govt.Pleader for R1
Mr.P.S.Ganesh for R2
Mr.K.Rajashrinivas for R3

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 3 to consider the petitioner's representation dated 18.03.2019 sent to the respondents within a time frame as prescribed by this Court and further remove the encroachment in the Ambattur Redhills/Puzhal Road situated on the Southern side of the property in R.S.No.19/1(Part).

2. Though the relief sought for in this writ petition is larger, the learned counsel for the petitioner confined his arguments to the limited extent of directing the respondents 1 to 3 to consider the petitioner's representation, dated 18.03.2019 and remove the encroachment in the Ambattur Redhills/Puzhal Road situated on the Southern side of the property in R.S.No.19/1(Part).

3. Considering the submissions of the learned counsel for the petitioner, without going into the merits of the case, this Court directs the petitioner to give a fresh representation to the first respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the said representation of the petitioner and pass orders on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner and as well as to the 4th respondent. If the authorities come to the conclusion that there is encroachment, they shall proceed with the same and remove the encroachment in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

dpq

To

1. The Assistant Divisional Engineer,
Highways Department,
Nehru Bazaar Road, Ambattur Sub Division
Avadi, Chennai 600 054.
2. The Chennai Metropolitan Development Authority,
Rep.by its Member Secretary,
' Thalamuthu Natarajan Building'
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
3. The Zonal Officer
Zone - 3, Greater Chennai Corporation,
No.1, Thattankulam Street, Bazar Road,
Madhavaram, Chennai 600 060.

+1 cc to the Government Pleader sr10017
+1 cc to mr.P.S.Ganesh Advocate sr9620
+1 cc to Mr.B.Deepak Narayanan Advocate sr9249

W.P.No.21610 of 2019

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