

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

W.P.No.19379 of 2020
and
W.M.P.No.23972 of 2020

M/s. Schedule Caste Community Progressive
Sangame represented by its President M.Jeganathan,
No.19, Rangoon Street, Pathari Salai,
Thousand Lights, Chennai - 600 006. Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

2.The Zone Chairman,
Zone-9, Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.

3.Mohammed Jafurullah Respondents
Prayer : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus
directing the respondents 1 and 2 to demolish the illegally
constructed building in T.S.No.32/1 at Old Door No.75, New
Door No.14, Rangoon Street, Thousand Lights,
Chennai-600 006 by the 3rd respondent within a time frame to be
fixed by this Court.

For Petitioner : Mr.K.M.Balaji

For R1 and R2 : Mr.R.Gopinath
Standing Counsel

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The petitioner, who is a registered Association, would
state among other things that, in Pathari Road, Rangoon
Street, Thousand Lights, Chennai - 600 006, 500 persons
belonging to Scheduled Caste residents, and the land in Survey
No.32/1 belongs to Prince Arcod Nawab. The petitioner would
further aver that the residents of Rangoon Street are using
the vacant land, measuring 1978 sq.ft. in T.S.No.32/1 at Old

Door No.75, New Door No.14, Rangoon Street, to perform marriages and celebrate other functions. It is further averred by the petitioner that the 3rd respondent has purchased the vacant land in T.S.No.32/1 and put up an unauthorised construction and the petitioner has submitted a representation for removal of the same.

2.Learned counsel appearing for the petitioner would submit that the Executive Engineer of Tamil Nadu Slum Clearance Board, Chennai-600018, vide communication, dated 12.09.2016, in Na.Ka.No.303/A5/Ko.5/2015, has informed the petitioner that the land in question is a "Private Slum" and with regard to the request made by the petitioner, they may approach the Greater Chennai Corporation for redressal of their grievance. The learned counsel appearing for the petitioner would submit that, as per the information furnished by the 2nd respondent, vide communication dated 04.12.2019 in Ma.Aa.9.Na.Ka.E5/11980/2019, the premises continues to be in Lock and Seal and no case is also pending, despite the pasting of public notice as if some writ petition is pending, and unless the building is altered or unauthorised portions are demolished, the same situation would prevail. The primordial submission made by the learned counsel appearing for the petitioner is that, since the location of the building not only constitutes encroachment, but there is also an unauthorised structure, it is also open to the jurisdictional officials of the Greater Chennai Corporation to take appropriate steps, and hence, prays for appropriate orders.

3.Mr.R.Gopinath, learned Standing Counsel, accepts notice on behalf of the respondents 1 and 2, and would submit that the representation, dated 10.01.2020, submitted by the petitioner, would be given disposal at an early date by taking into consideration the relevant records.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it.

5.Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances, without going into the merits of the claim as projected by the petitioner either in the representation or in the present writ petition, directs the 2nd respondent to put the petitioner as well as the 3rd respondent on notice, and thereafter, consider and dispose of the petitioner's representation dated 10.01.2020, on merits and in accordance with law, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order/uploading of this order in the website, and communicate the decision taken to the petitioner as well as the 3rd respondent.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

//True Copy//
Sub Asst. Registrar

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To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

2.The Zone Chairman,
Zone-9, Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.

+1 C.C.to MR.Mr.K.M.Balaji, ADVOCATE, SR.NO.41996

+1 C.C.to MR.Mr.R.Gopinath Standing Counsel, SR.NO.42068

W.P.No.19379 of 2020

VC (22/01/2021)

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