

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7294 of 2021

S.Wilson Sundararaj ... petitioner

Vs.

1. The Regional Office
Tamil Nadu & Puducherry,
National Highways Authority of India,
SRI Tower, 3rd Floor DP-34(SP),
Industrial Estate,
Guindy, Chennai - 600 033.
2. The District Collector,
Chennai District,
No.62, Rajaji Salai,
Chennai - 600 001.
3. The Tahsildar
Ambattur Taluk,
Ambattur, Chennai - 600 053.
4. Vasanth Apartments Owners Association
Rep. by its Secretary,
Vasanth Apartments,
No.4, T.T. Mathew Road,
Chennai - 600 058. ... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment entered upon the land of the National Highways Authority of India (Service Road of Chennai Bypass) by way of construction of a compound wall by Vasanth Apartments, the 4th respondent herein.

For Petitioner : Mr.B.R.Shankaralingam

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader for R2 and R3

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner canvasses a grievance that a service road belonging to the National Highways Authority of India has been encroached upon by the 4th respondent.

2. The writ petitioner states that he is a senior citizen residing close to the Chennai Bypass service road. An apartment complex called Vasanth Apartments is situated at the junction of the underpass which connects the N.H. service road to the Chennai Bypass at Mogappair West and Athipet East. It is further asserted that the 4th respondent, i.e. the Owners Association of Vasanth Apartments, has constructed a compound wall which encroaches upon the service road thereby causing great inconvenience to the public. It is further asserted that representations were submitted by the petitioner and information was requested for under the Right to Information Act. Learned counsel for the writ petitioner states that in response to a request under the Right to Information Act, it was admitted by the Tahsildar that an encroachment to the extent of two meters had been made by the 4th respondent.

3. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 2 and 3 and submits that it has been determined that there was an encroachment, but action should be taken thereon by the first respondent.

4. In the aforesaid facts and circumstances, without examining the merits of the representation of the petitioner, the first respondent is directed to consider the representation dated 23.09.2020 and dispose of the same by a reasoned order after providing a reasonable opportunity to all parties affected thereby, including the 4th respondent herein. In view of the fact that the merits of the matter have not been examined and because the first respondent has been directed to hear the 4th respondent before passing an order, the writ petition is being disposed of without notice to the 4th respondent. The aforesaid reasoned order shall be issued within a period of eight weeks from the date of receipt of a copy of this order.

5. W.P.No.7294 of 2021 is disposed on the above terms.
There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rrg

To:

- 1.The Regional Office
Tamil Nadu & Puducherry,
National Highways Authority of India,
SRI Tower, 3rd Floor DP-34(SP),
Industrial Estate, Guindy, Chennai - 600 033.
- 2.The District Collector,
Chennai District,
No.62, Rajaji Salai, Chennai - 600 001.
- 3.The Tahsildar
Ambattur Taluk, Ambattur, Chennai - 600 053.

+2ccs to Mr.B.R.Shankaralingam, Advocate, Sr.No. 18154
+1 cc to The Government Pleader Sr.No. 18418

W.P.No.7294 of 2021

SKY (CO)
RMP (31/03/2021)

सत्यमेव जयते

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