

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 08.03.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.5439/2021 & WMP.Nos.6037 & 6043/2021

R.Radha

.. Petitioner

Versus

1. The Commissioner
Greater Chennai Corporation
Chennai.
2. The Zonal Officer
Zone-15, Greater Chennai Corporation
Sholinganallur, Chennai 600 119.
3. The District Collector
Chennai District, Chennai 600001.
4. The Revenue Divisional Officer
Chennai South, Chennai 600 032.
5. Tahsildar
Sholinganallur Taluk
Sholinganallur 603 110.
- 6.Mohan
- 7.Senthil
- 8.Venkatesan
- 9.Kannayiram
- 10.Kasturi
- 11.Dhanasekar
- 12.Gopal
- 13.Thilagavathy
- 14.Adikesavan
- 15.Suseela

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 5 herein to take necessary steps forth with to remove the various encroachments including the illegal dumping of cow manure next to petitioner house and various obstructions by the respondents 6 to 15 in S.Nos.110 in Uthandi Village, Chennai and further direct the respondents 1 to 5 to restore the common public well and the public road in Bajanaikoil Street as well as the public land in Survey Nos.110 in Uthandi Village Chennai, to their original state.

For Petitioner : Mr.St.Bharath Gowtham

For RR 1 & 2 : Mr.R.Gopinath
Standing Counsel

For RR 3 to 5 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.R.Gopinath, learned Standing counsel accepts notice on behalf of respondents 1 and 2 and Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 3 to 5.
- (3) The petitioner claims to be a resident of Bajanai Koil Street, Uthandi Village, Chennai-119 and he came forward to file the present writ petition, stating among other things that the land in S.No.110 of Uthandi Village, is classified as 'Government Natham Land' and there exist a public road in the said survey number and there is also a public well and the private respondent, under the garb of rearing cows, had encroached upon the said public land and also dumping huge pile of cow dung which is also creating a health hazard and other nuisance.
- (4) The learned counsel for the petitioner would submit that a civil litigation between the respective fathers of the some of the private respondents as well as against the brother-in-law of the petitioner and her husband, is pending in OS.No.747/2007 on the file of the Court of the District Munsif, Alandur and as a counter blast, one Arjunan along with one Ramadoss [since deceased] had also filed suit for bare injunction in OS.No.60/2012 on the file of the very same Court and in both suits, no interim orders are in operation and it is not open to the private respondents to encroach upon the public road and rear cattle and in the process, shall not create any nuisance or health hazard in the form of dumping cow dung and hence, prays for appropriate orders.
- (5) The learned standing counsel appearing for respondents 1 and 2 would submit that inspection has already been caused and further action would follow in accordance with law.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this writ petition, directs the 5th respondent, in coordination with the 2nd respondent, cause inspection of the land in S.No.110, of Uthandi Village, with the aid of the relevant revenue

records and after putting on notice the petitioner and the private respondents and if the result of the inspection reveals any encroachment and creation of nuisance and health hazard, shall take immediate, necessary and appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner, private respondents and any other person/s concerned.

(8) The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner
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Chennai.
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Sholinganallur Taluk
Sholinganallur 603 110.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.14663.

WP.No.5439/2021

PVS (CO)
CSR 30.03.2021