



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 4322 of 2021
and
W.M.P. No. 4900 of 2021

1. P.K. Peer Mohammed
2. P.Mohammed Ashik ... Petitioners
[P2 suo motu impleaded
on 22.06.2021]

Vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai-600 003.
2. Executive Engineer
Zone - 15, Corporation of Chennai
Sholinganallur
Chennai.
3. Assistant Executive Engineer
Zone - 15, Corporation of Chennai
Sholinganallur
Chennai.
4. The Assistant Commissioner
Zone - 15, Corporation of Chennai
Sholinganallur, Chennai.

5. Zaheer ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 4 to consider the representation of the Petitioner dated 19.12.2020 and 01.02.2021 forthwith.

For Petitioners : Mr. D.Kanagasundaram
For RR1 to 4 : Mr. K.Raja Srinivas
For R5 : Mr. A.Gowthaman

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

The Petitioner has come before this Court for a direction, directing the First to Fourth Respondents to



consider representations of the Petitioner dated 19.11.2020 and 01.02.2021 alleging that the Fifth Respondent has encroached upon the Petitioner's property and action needs to be taken against him.

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2.The Petitioner is the owner of the property being vacant land situated at Neelankarai, Sholinganallur Taluk, Kanchipuram District now Chennai Corporation Area bearing Ward No.192, comprised in Old Survey No. 74/1, New Survey No. 74/51, bearing Patta No. 4760, measuring an extent of 3600 square feet in Singaravelar Street, Neelankarai, Chennai - 600 041.

3.The Petitioner had also settled the aforementioned property in favour of his son, one Mr. P.Mohammed Ashik by way of a Settlement Deed dated 28.10.2020 registered as Document No.5654 of 2020. When things stand so, the Fifth Respondent, who is the adjacent owner of the property, bearing Door Nos. 31 and 32, Singaravelar Main Road, Neelankarai, Chennai - 600 041 comprised in Survey Nos. 74/68B, 74/69B started putting up construction in his property by demolishing Petitioner's compound wall constructed in the Petitioner's property. Therefore, the Petitioner gave representations on 19.11.2020 and thereafter, on 01.02.2021. Since no action has been taken, the Petitioner has come before this Court.

4. Mr. D.Kanagasundaram, Learned Counsel for the Petitioner, Mr. A.Gowthaman, Learned Counsel appearing for the Fifth Respondent and Mr. Raja Srinivas, Learned Counsel appearing for the First to Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

5. When the matter is taken up for hearing today Mr. D.Kanagasundaram, Learned Counsel for the Petitioner submits that the action has been taken based on the Petitioner's representations and stop work notice has been given on 18.03.2021.

6. However, Mr. A.Gowthaman, Learned Counsel appearing for the Fifth Respondent objects by stating that the Petitioner has got no locustandi to file this Writ Petition, in view of the fact that the Petitioner has already settled the aforementioned property in favour of his son, viz., Mr. P.Mohammed Ashik.

7. Since the Petitioner property has already been settled in favour of the Petitioner's son, viz., Mr. P.Mohammed Ashik on 28.10.2020, this Court suo motu impleads

Mr. P.Mohammed Ashik
residing at No.7/3,
Mosque Pallam I Street



Saidapet, Chennai - 600 015
as Second Petitioner in this Writ Petition.

8. Considering the fact that official Respondents have already acted upon on the Petitioner's representations and stop work notice has been given on 18.03.2021 vide notice No.15/00214/2021, the Writ Petition is closed. Consequently, connected Miscellaneous Petitions are closed No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-600 003.
2. The Executive Engineer
Zone - 15, Corporation of Chennai
Sholinganallur
Chennai.
3. The Assistant Executive Engineer
Zone - 15, Corporation of Chennai
Sholinganallur
Chennai.
4. The Assistant Commissioner
Zone - 15, Corporation of Chennai
Sholinganallur, Chennai.

+1cc to Mr.R.Ramesh, Advocate, S.R.No. 29107
+1cc to Mr.D.Kanagasundaram, Advocate, S.R.No.28789
+1cc to the Government Pleader, S.R.No. 29019

W.P. No. 4322 of 2021

GPL (CO)
GN (18/08/2021)