

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5674 of 2021

S.Abbas

.. Petitioner

-vs-

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Zonal Officer,
Zone-XI, Valasaravakkam,
Chennai - 600 087.
- 3.The Tahsildar,
Maduravoyal Taluk,
Nolambur, Chennai - 600 095.
- 4.The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai - 600 107.
- 5.Nagammal
- 6.Suseela
- 7.Savithri
- 8.Pushpam

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1 to 4 respondents to consider the petitioner's representation dated 22.01.2021 and thereby direct the 1 to 4 respondents to remove the encroachments made in Rajiv Gandhi Street, Maduravoyal, Chennai - 600 095 by the 5 to 8 respondents and others pursuant to the proceedings in Z.O.XI.C.No.B2/565/2014 dated 22.10.2018 passed by the 2nd respondent.

For Petitioner

: Mr.K.Balakrishnan

For Respondents : Mrs.Karthika Ashok
for respondent Nos.1 and 2

: Mr.K.S.Suresh
Government Advocate
for respondent Nos.3 and 4

: Mr.Balan Haridoss
for Mr.Parthasarathi
for respondent Nos.5 to 8

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of the alleged encroachments by respondents 5 to 8 on Rajiv Gandhi Street, Maduravoyal, Chennai-600 095. The petitioner asserts that Rajiv Gandhi Street is a 50 feet road, which is used by the motorists and that there is heavy flow of traffic on the said road. It is further asserted that respondents 5 to 8 have encroached on the said road and are causing inconvenience to the road users. The petitioner further asserts that a representation of 22.01.2021 was sent to the official respondents, but no action has been taken thereon.

2. Mrs.Karthika Ashok, learned Standing Counsel, accepts notice on behalf of the Greater Chennai Corporation, respondents 1 and 2. Mr.K.S.Suresh, learned Government Advocate, accepts notice on behalf of respondents 3 and 4 and Mr.Balan Haridoss, who is assisted by Mr.Parthasarathy, learned counsel, accepts notice on behalf of respondents 5 to 8.

3. Learned counsel for respondents 5 to 8 asserts that respondents 5 to 8 are not encroachers and that they should be provided a reasonable hearing before any action is taken.

4. In the light of the rival contentions, without examining the merits of the representation dated 22.01.2021 of the petitioner, the Greater Chennai Corporation is directed to consider the said representation of the petitioner and dispose of the same by a speaking order, after providing a reasonable opportunity to all the affected parties, including respondents 5 to 8 herein. Such speaking order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. The revenue authorities concerned are directed to provide all necessary assistance to the officials of the Greater Chennai Corporation for purposes of carrying out necessary survey and measurement of the road concerned.

W.P.No.5674 of 2021 is disposed of on the above terms. Consequently, W.M.P.No.6286 of 2021 is closed. There will be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- 2.The Zonal Officer,
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- 3.The Tahsildar,
Maduravoyal Taluk,
Nolambur, Chennai - 600 095.
- 4.The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai - 600 107.

- +2 Ccs to Mr.K.Balakrishnan, Advocate sr 14766.
+1 CC to Mrs.Karthika Ashok, Advocate sr 15342.
+1 Cc to Mr.S. Parthasarathy, Advocate sr 14976.
+1 CC to The Government Pleader sr 15207.

W.P.No.5674 of 2021

PL(CO)
SP(18/03/2021)

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