

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2021

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.18110 of 2020

S.Sabina ... Petitioner
Versus

1.Chennai District Collector,
No.62, Rajaji Salai,
4th Floor, Chennai 600 001.

2.Tahsildar,
Velachery/Guindy Taluk,
Seva Nagar 1st Street,
Soni Nagar,
Periyar Nagar Extension,
Velachery, Chennai 600 042.

3.Regional Joint Commissioner,
Regional Office, (South)
Corporation of Chennai,
Zone 13, Adyar,
Chennai 600 020.

4.Zonal Officer,
Zone 13, Corporation of Chennai,
Adyar, Chennai 600 020.

... 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, 2 and 4 to implement the order dated 17.02.2015 passed by the 3rd respondent by bring the road in 4th street, Narasingapuram, Maduvangarai, Chennai 600 032 under the control of the local body, within a timeframe.

For Petitioner : Mr.S.Sai Shankar

For RR1 & 2 : Mr.S.Kamalesh Kannan
Government Advocate

For RR3 & 4 : Mr.M.Ganesan

ORDER

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

The petitioner alleging unauthorised occupation and illegal construction of superstructure on the part of the encroachers, namely, Somy and Sakunthala in the 4th Street of Narasingapuram, Maduvangarai, opposite to the house of the petitioner, came forward to file this Writ Petition.

2. The Writ Petition was listed for hearing on 11.12.2020 and this Court having noted that the Regional Joint Commissioner of Greater Chennai Corporation, vide proceedings dated 17.02.2015, had noted down the encroachment as well as unauthorised construction, recommended for initiation of immediate and necessary action and despite a lapse of five years and odd, no steps have been taken and therefore, directed the presence of respondents 3 and 4 before this Court and accordingly, they are present before this Court.

3. The learned counsel appearing for the petitioner would submit that challenge made to the Locking, Sealing and Demolition notice by Thiru.G.Varadharajan and Tmt.B.Sakunthala, also came to be disposed of by the Housing and Urban Development Department, Government of Tamil Nadu, vide communication dated 12.01.2018 and despite a lapse of two years and odd, no action has been taken either to remove the encroachment or to demolish the unauthorised construction and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

4. Mr.M.Ganesan, learned Standing Counsel appearing for respondents 3 and 4 has drawn the attention of this Court to the counter affidavit of the 4th respondent dated 24.02.2021, along with supporting photographs and would submit that the premises were kept under lock and seal on 07.01.2019, thereafter complete demolition of the unauthorised construction has been carried out on 22.02.2021 and would further assure that there cannot be any fresh encroachment or re-encroachment on the land in question or unauthorised construction also and the said submission, on instructions, is placed on record.

5. It is also the submission of the learned Standing Counsel appearing for the respondents 3 and 4 that the road concerned is to be handed over by the 2nd respondent to the Greater Chennai Corporation.

6. Mr.Kamalesh Kannan, learned Government Advocate appearing for respondents 1 and 2 would submit that immediate and necessary steps would be taken to handover the road in favour of Greater Chennai Corporation within a period of eight weeks and the said submission, on instructions, is placed on record.

7. A perusal of the photographs would prima facie disclose that there are lot of encroachments and unauthorised constructions and therefore, this Court directs the respondents 3 and 4, in coordination with the 2nd respondent, to carry out survey and inspection and if the result of the same discloses any encroachment or unauthorised construction or combination of both, the respondents 2 to 4, either jointly or severally shall take appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise as expeditiously as possible and within a reasonable time.

8. The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Chennai District Collector,
No.62, Rajaji Salai,
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+lcc to the Government Pleader Sr.11879

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srg 19/03/2021