



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15343 of 2021
and W.M.P.No.16230 of 2021

V.Subbaiah

Vs.

.. Petitioner

- 1 The District Collector
Chennai District
Chennai- 600 001.
- 2 The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai- 600 003.
- 3 The Zonal Officer
Greater Chennai Corporation, Zone-7
Ambattur
Chennai- 600 053.
- 4 The Thasildar
Ambattur Taluk Office
Chennai- 600 053.
- 5 The Junior Executive Engineer
(Operation and Maintenance)
Tamil Nadu Generation and Distribution
Corporation Limited, Menambedu, Ambattur
Chennai- 600 053.

6 K.Kaliraj

.. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take necessary action to remove the illegal encroachments and unauthorized constructions in Ward No.3, Block No.82, old Survey No.14, T.S.No.33 of Pattaravakkam Village Ambattur Taluk Chennai Corporation Zone No.7, Chennai-



600 053 by considering petitioner's representations dated 03.10.2019 and 03.03.2021.

For Petitioner : Mr.R.Chakkaravarthy
For Respondents : Mr.P.Muthukumar
Counsel for State
for RR 1 and 4
: Mrs.Karthikaa Ashok
Stdg. Counsel for RR 2 & 3

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ORDER

(Made by Senthilkumar Ramamoorthy,J)

The petitioner complains both of encroachment and unauthorised construction by the sixth respondent in Ward No.3, Block No.82, Old S.No.14, T.S.No.33 of Pattaravakkam Village, Ambattur Taluk.

2. The petitioner asserts that the lands described above are classified as Government poramboke lands in the relevant revenue records. However, it is alleged that the sixth respondent herein encroached upon the said lands, felled the trees which were on the said lands and began construction of two buildings in or about October, 2020. In spite of submitting multiple representations, it is stated that the Greater Chennai Corporation initiated action, but did not follow through with the same.

3. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of respondents 1 and 4. Ms.Karthikaa Ashok, learned standing counsel for the Greater Chennai Corporation, accepts notice on behalf of respondents 2 and 3. She points out that the encroachment aspect of the petition should be dealt with by the appropriate revenue official, whereas, as regards unauthorised construction, the Greater Chennai Corporation issued de-occupation notice on May 28, 2021 and would take follow-up action in the near future.

4. Accordingly, without going into the merits of the matter, the petitioner is permitted to carry two separate representations: one to the fourth respondent Tahsildar in respect of the alleged encroachment; and another, in respect of the alleged unauthorised construction, to the third respondent Zonal Officer, Ambattur. Such representations shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the authority concerned is directed to consider and dispose of the same by a reasoned order within a period of eight weeks from the date of



receipt thereof after providing a reasonable opportunity of hearing both to the petitioner and to the private respondent herein. In view of the fact that the official respondents have been directed to hear the private respondent before passing orders, the writ petition is being disposed of without notice to the private respondent herein.

W.P.No.15343 of 2021 is disposed of in these terms without any order as to costs. Consequently, W.M.P.No.16230 of 2021 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To:

- 1 The District Collector
Chennai District
Chennai- 600 001.
- 2 The Commissioner
Greater Chennai Corporation
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(Operation and Maintenance)
Tamil Nadu Generation and Distribution
Corporation Limited
Menambedu, Ambattur
Chennai- 600 053

+1cc to M/S.Karthika Ashok, Advocate, S.R.No.35888
+1cc to M/S.R.Chakkaravarthy, Advocate, S.R.No.36124
+1cc to the Government Pleader, S.R.No.35941

W.P.No.15343 of 2021

SR II (CO)
PM(29/07/2021)