

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.8335/2021

V.Ramasundaram

President, Elegant Navaratna Residents

Association, Apartment No.HF2, 286

Anna Street, Rajiv Gandhi Salai

Kottivakkam, Chennai 600 041.

...Petitioner

Versus

1.The Commissioner

Corporation of Chennai

Ripon Building

Chennai 600 003.

2.The Zonal Officer

Perungudi Zone 14,

No.6/64, Puzhuthivakkam Main Road

Chennai 600 091.

3.The District Collector,

Chennai, Chennai Collectorate

Fourth Floor, Singaravelan Maaligai,

62, Rajaji Salai, Chennai 600 001.

4.The Tahsildar

Sholinganallur Taluk Office

Sholinganallur, Chennai 600 119.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the representation dated 08.02.2021 within a time frame fixed by this Court.

For Petitioner : Mr.R.Amizhdhu

For RR1&2 : Mr.R.Gopinath
Standing Counsel

For RR3 & 4 : Mr.S.Kamalesh Kumar
Government Advocate

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.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondents 3 and 4.
- (3) The learned counsel for the petitioner on instructions, would submit that none of the members of the petitioner - Association had put up any unauthorised / deviated construction as well as caused encroachment on the public road/land and the said submissions, on instructions, is placed on record.
- (4) The petitioner Association came forward to file this writ petition stating among other things that as per the approved lay out granted by the Chennai Metropolitan Development Authority dated 24.03.2005 in respect of S.Nos.296/5 and 298/2 of Kottivakkam Village, there exist a 150 feet length and 24 feet width road which is connecting the Old Mahabalipuram Road.
- (5) The learned counsel for the petitioner would submit that there are various encroachments in the form of unauthorised construction and therefore, the width of the road got reduced to 15 feet and that apart, there are lot of unauthorised parkings which is also leading to the hardship and difficulties faced by the residents of the petitioner - Association and the representation dated 08.02.2021, though received and acknowledged on 11.02.2021, no response is forth coming and therefore, the petitioner-Association is constrained to approach this Court by filing this writ petition.
- (6) This Court heard the submissions of Mr.R.Gopinath, learned Standing counsel appearing for respondents 1 and 2 and

Mr.S.Kamalesh Kannan, learned Government Advocate appearing for the respondents 3 and 4 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-Association, directs respondents 2 and 4 to cause joint inspection of the land in S.Nos.296/5 and 298/2 of Kottivakkam Village, with the aid of the relevant revenue records and if the result of the inspection reveals any encroachment / unauthorised construction / combination of both, shall take immediate, necessary and appropriate action in accordance with law, by also adhering to the principles of natural justice, by putting on notice the person/s concerned and complete the said exercise within a period of twelve 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 as well as the person/s concerned.
- (8) The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003.

- 2.The Zonal Officer
Perungudi Zone 14,
No.6/64, Puzhuthivakkam Main Road
Chennai 600 091.

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3.The District Collector,
Chennai, Chennai Collectorate
Fourth Floor, Singaravelan Maaligai,
62, Rajaji Salai,
Chennai 600 001.

4.The Tahsildar
Sholinganallur Taluk Office
Sholinganallur,
Chennai 600 119.

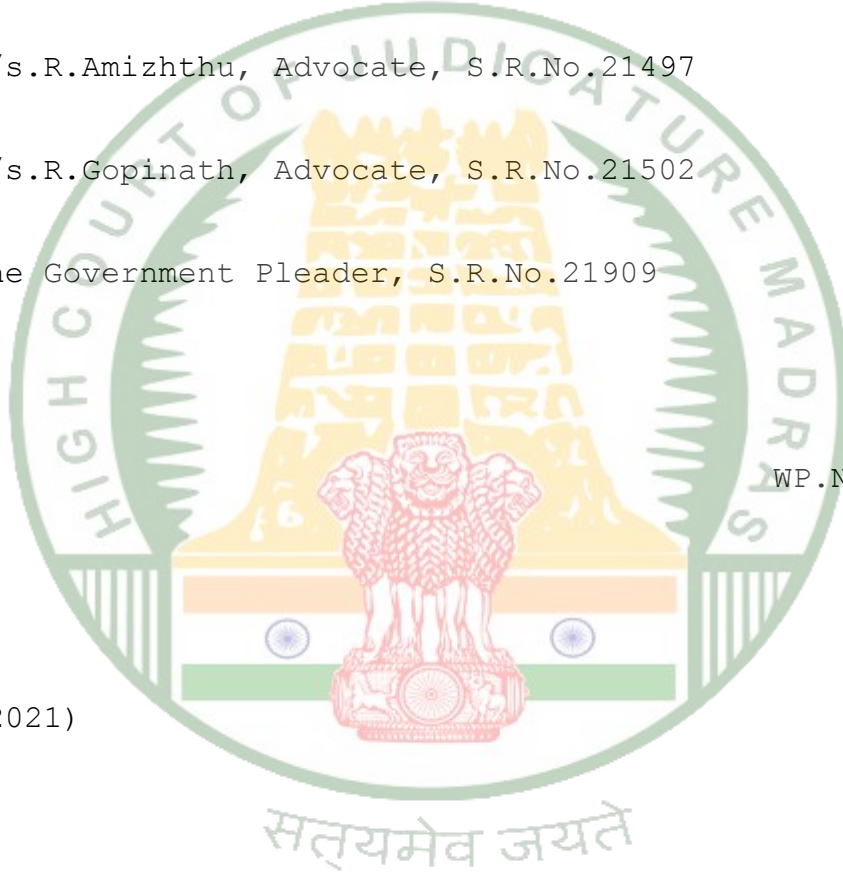
+1cc to M/s.R.Amizhthu, Advocate, S.R.No.21497

+1cc to M/s.R.Gopinath, Advocate, S.R.No.21502

+1cc to the Government Pleader, S.R.No.21909

WP.No.8335/2021

PL (CO)
RN (11/05/2021)



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