



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P. No.12757 of 2021
and
WMP.No.13552 of 2021

R.Ramamoorthy

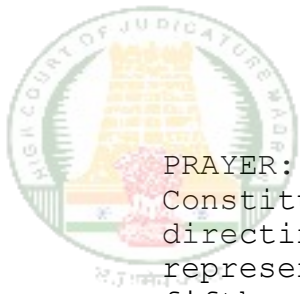
..Petitioner

Versus

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.
2. The Tahsildar,
Sholinganallur Taluk Office,
No.3, First Street, Kumar Nagar,
Rajeev Gandhi Salai,
Sholinganallur, Chennai 600119.
3. The Assistant Director of Survey and Land Reforms/
PA to Collector (Survey) District Survey Office,
Collectorate Campus,
Kancheepuram - 631 501.
4. Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600008.
5. U.Muralidharan
6. The Assistant Engineer, Zone XIV,
Corporation of Chennai, Perungudi,
Chennai.

..Respondents

[R6, suo-motu impleaded as per the order of this
Court dated 17.06.2021 in WP.No.12757 of 2021]



PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 06.06.2021 for taking action against the fifth respondent for unauthorised construction of the building carrying out at the land bearing Survey No.84/4B and 84/4A2 measuring to an extent of 3363.5 sq.ft. in 129 Pallikarani Village, 6th Main Road, Rajesh Nagar, Narayanapuram, Pallikaranai, Chennai 600100.

For petitioner : Mr.R.Lakshmi Narasimhan

For respondents

for RR1 & 6 : Mr.R.Gopinath

for RR2 & 3 : Mrs.Akila Rajendran

for R4 : No Appearance

for R5 : Mrs.S.R.Sumathy

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to consider the his representation, dated 06.06.2021 and take action against the unauthorised construction put up by the fifth respondent.

3. The learned counsel appearing for the petitioner Mr.R.Lakshmi Narasimhan, would state that the fifth respondent has encroached upon the road and put up unauthorised construction.

4. It is the contention of the learned counsel for the fifth respondent Mrs.S.R.Sumathy, that as per the direction of this Court, the second respondent conducted survey and it is found that the petitioner has encroached upon the public road and there is no encroachment by the fifth respondent.

5. It appears that based on the earlier order of this Court, the second respondent conducted survey on three occasions and there is inconsistency in the reports submitted.

6. In the light of the limited prayer sought for in the Writ



Petition, this Court without going in to the merits of the matter, directs the second respondent to take appropriate action on the basis of the representation of the petitioner dated 06.06.2021, after affording an opportunity of personal hearing to all the necessary parties. If necessary, the second respondent shall conduct fresh survey before taking further action.

7. With the above observation and directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
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Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore, Chennai 600008.
5. The Assistant Engineer, Zone XIV,
Corporation of Chennai, Perungudi, Chennai.

+2cc to M/s.R.Lakshmi Narasimhan, Advocate, S.R.No.47777, 47739
+1cc to M/s.R.Gopinath, Advocate, S.R.No.47470

W.P. No.12757 of 2021

RGN(CO)
RGA(/10/2021)