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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14388 of 2021

S.Raja

... Petitioner

Vs

1. Greater Chennai Corporation,
rep. by its Commissioner,
Rippon Buildings,
Chennai-600 003.
2. Chennai Metropolitan Development Authority (CMDA),
rep. by its Member - Secretary,
No.1 Gandhi Irwin Road,
Chennai - 600 008.
3. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.
4. The Chairman-cum-Managing Director,
Chennai Metropolitan Welfare Supply and
Sewerage Board (CMWSSB),
No.1 Pumping Station Road,
Chintadripet, Chennai-600 002.
5. The District Collector,
The State of Tamil Nadu,
Chennai District Collectorate,
Rajaji Salai, Chennai-600 001.
6. The Member-Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai-600 032.



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7. The Zonal Officer,
Zone-XI (Valasaravakkam),
Greater Chennai Corporation,
No.33, Arcot Road, Valasaravakkam,
Chennai-600 087.
8. The Chief Engineer (Operations and Maintenance),
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
No.1, Pumping Station Road, Chintadripet,
Chennai-600 002.
9. The Chief Engineer - Distribution/South/Chennai,
TANGEDCO,
10th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.
10. The Tahsildar,
Maduravoyal Taluk ,
Bharathi Salai, Nolambur Phase II,
Ambattur Industrial Estate, Mogappai West,
Chennai-600 037.
11. P.Jayakumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the official respondents 1 to 10 to remove the encroachments made in 3rd Main Road, Metro Nagar, Alapakkam, Chennai - 600 116, which is the only way of entry/exit or ingress/egress way into Plot Nos.56, 57, 58, 59, 60, 61 from the 3rd Main Road, by blocking the entry and exit from 40 feet road to 3rd Main Road by illegal, unlawful and unauthorized constructions of RCC/Tin structures for running the industries in steel cupboards, in the midst of a residential zone, by the 11th respondent and to take necessary appropriate actions against 11th respondent and/or anyone claiming through or under him or any other persons.

For Petitioner	: Mr.R.S.Krishnaswamy
For Respondents	: Ms.Karthikaa Ashok SSC (Corporation) for respondent Nos.1 and 7



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: Mr.C.Vigneshwaran
for respondent Nos.2,4 and 8

: Mr.P.Muthukumar
Counsel for respondent Nos.5
and 10

ORDER

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

The petitioner complains of alleged encroachments by the eleventh respondent in 3rd Main Road, Metro Nagar, Alapakkam, Chennai-600 116.

2. The petitioner asserts that the eleventh respondent runs a business under the name of P.J.K. Traders and has encroached upon 3rd Main Road, thereby blocking the access to certain plots in the authorised layout. It is further alleged that the eleventh respondent has proceeded with construction activities without obtaining the requisite permission under the Tamil Nadu Town and Country Planning Act, 1971 and under the applicable environmental laws. In spite of carrying a representation to all the official respondents on March 17, 2021, it is stated that no action has been taken thereon except by way of forwarding the representation to the Greater Chennai Corporation.

3. Ms.Karthikaa Ashok, learned Senior Standing Counsel for the Greater Chennai Corporation, accepts notice on behalf of the first and seventh respondents herein and states that the Zonal Officer, Zone-XI (Valasaravakkam) is the appropriate authority to consider and dispose of the representation of the petitioner. In addition, she states that the land in question is patta land and not government land and that the eleventh respondent is a tenant in the said property.

4. Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a fresh representation to the seventh respondent herein within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the seventh respondent is directed to consider and dispose of such representation 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 eleventh respondent herein. In view of the fact that the seventh respondent has been directed to hear the eleventh respondent before passing orders, the writ petition is being disposed of without notice to the private respondent.



5. W.P.No.14388 of 2021 is disposed of on the above terms.
There will be no order as to costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
- 2 The Member - Secretary,
Chennai Metropolitan Development Authority (CMDA),
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- 3 The Chairman cum Managing Director,
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- 5 The District Collector,
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- 6 The Member-Secretary,
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8 The Chief Engineer (Operations and Maintenance),
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10 The Tahsildar,
Maduravoyal Taluk ,
Bharathi Salai, Nolambur Phase II,
Ambattur Industrial Estate, Mogappai West,
Chennai-600 037.

+lcc to Mr.R.S.Krishnaswamy, Advocate, S.R.No.33136

+lcc to Ms.Karthikaa Ashok, Advocate, S.R.No.33232

+lcc to the Government Pleader, S.R.No.33314

W.P.No.14388 of 2021

MG(CO)
HS(19/07/2021)