



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM

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

W.P.No.16785 of 2021

R.Gopal

...Petitioner

-vs-

1.The Administrative Officer,
Cantonment Board,
St. Thomas Mount,
Chennai-600016

2.Govindammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner representation dated 13.07.2021 and stop the encroachment of the 2nd respondent in the 6 feet common passage.

For Petitioner : Mr.S.N.Subramani
For R1 : Mr.C.Mohan
for Kings & Patridge
Government Advocate
For R2 : Mr.J.P.Rajesh

ORDER

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

The Writ Petition has been filed seeking direction to the 1st respondent to consider the petitioner representation dated 13.07.2021 and stop the encroachment of the 2nd respondent in the 6 feet common passage.

2.Heard Mr.N.Subramani, learned counsel appearing for the petitioner, Mr.C.Mohan, learned counsel appearing for the first respondent and Mr.J.P.Rajesh, learned counsel appearing for the 2nd respondent.



3. It is the case of the petitioner that he is the owner of Plot Nos.27 and 30, Mangaliamman koil street, St. Thomas Mount, Chennai. He would state that there is a common passage in order to approach his properties. The grievance of the petitioner is that the 2nd respondent, who is a adjacent land owner, has demolished her old building and started putting up construction without planning permission and encroached the 6 feet common passage. In this regard, he made a representation to the 1st respondent dated 13.07.2021 but no action was taken. Hence, the present Writ petition.

4. The learned standing counsel appearing for the respondent, would state that on the basis of the representation of the petitioner, the first respondent issued a notice dated 15.07.2021, to stop construction putting up by the 2nd respondent and ready to take further action in accordance with law. It is the submission of the learned counsel for the 2nd respondent that the 2nd respondent is an illiterate lady and she obtained planning permission in the year 2017 to put up construction and there is no encroachment in the common passage as alleged by the petitioner.

5. In the light of the above submissions made by the learned counsel, this Court, without expressing any opinion of the merits of the matter, directs the 1st respondent to take action on the representation of the petitioner dated 13.07.2021 in accordance with law, after affording sufficient opportunities to both the parties.

6. With the above directions, this writ petition stands disposed of. No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

vsn

To

The Administrative Officer,
Cantonment Board,
St. Thomas Mount,
Chennai-600016



+1cc to M/s.S.N.Subramani, Advocate, Sr.No.48070
+1cc to M/s.J.P.Rajesh, Advocate, Sr.No.48052
+1cc to M/s.King & Patridge, Advocate, Sr.No.47801

WEB COPY

W.P.No.16785 of 2021

SMI (CO)
KKV/11/10/2021