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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.10.2021

CORAM:

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

W.P. NO.21206 OF 2021

V.Pachaiappan

.. Petitioner

Versus

1.The Commissioner,
Corporation of Chennai Greater Madras,
Rippon Building, Chennai 3.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai 8.

3.The Zonal Officer,
Zone 14 (for 188 Division), Chennai Greater Madras,
6/64, Puzhuthivakkam Main Road,
Chennai 91.

4.Srinivasan

.. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction put up by the fourth respondent by constructing septic tank and balcony in the public street in Jeeva Nagar, 1st street, Madipakkam, Chennai 600 091 and to restore the public street.

For petitioner : Ms.R.Poornima
For respondents
for RR1 & 3 : Mr.K.Raja Shrinivas
for R2 : Mrs.P.Veena Suresh
for R4 : Mr.C.P.Shibu Kumar



ORDER

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

The Writ Petition is heard through video conferencing.

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2. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction put up by the fourth respondent in the public street in Jeeva Nagar, 1st street, Madipakkam, Chennai 600 091.

3. Heard Ms.R.Poornima, learned counsel for the petitioner, Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 1 and 3, Mrs.P.Veena Suresh, learned Standing Counsel appearing for the second respondent and Mr.C.P.Shibu Kumar, learned counsel appearing for the fourth respondent.

4. The case of the petitioner is that he is residing at New No.2/1102, Old No.539/2, Jeeva Nagar, First Street, Madipakkam, Chennai. The fourth respondent herein Mr.Srinivasan, who is residing at No.2/1131, Jeeva Nagar, First Street, Madipakkam, Chennai has encroached around five feet in the street and constructed a septic tank and his balcony is also protruding in the street. On account of the encroachment, the 20 feet road has been reduced, which cause much inconvenience to him and the general public. Hence, he made a representation to the first respondent, but no action has been taken so far.

5. The learned Standing Counsel appearing for the Chennai Corporation would state that the Executive Engineer (Zone 14), Greater Chennai Corporation has issued notice to the fourth respondent as well as to the petitioner for production of the approved plan. It is also stated that the respondents have addressed a letter to the Tahsildar, Sholinganallur Taluk to survey the land to take further action.

6. The learned counsels appearing for other respondents would state that the respondents have received notice from the Chennai Corporation.

7. In the light of the above facts, the Tahsildar, Sholinganallur Taluk is hereby directed to conduct survey in the disputed area as per the request of the Executive Engineer (Zone 14), Greater Chennai Corporation and submit a report to him within a period of four weeks. Thereafter, on the basis of the report of the said Tahsildar, the Executive Engineer (Zone 14), Greater Chennai Corporation shall take appropriate action after affording ample opportunities to all the necessary parties



within a period of six months.

8. With the above directions, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Corporation of Chennai Greater Madras,
Rippon Building, Chennai 3.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai 8.
3. The Zonal Officer,
Zone 14 (for 188 Division), Chennai Greater Madras,
6/64, Puzhuthivakkam Main Road,
Chennai 91.
4. The Tahsildar, Sholinganallur Taluk
5. The Executive Engineer (Zone 14),
Greater Chennai Corporation

+2ccs to Mr.M.Prabakaran, Advocate, S.R.No.54986
+1cc to Mr.P.Veena Suresh, Advocate, S.R.No.54776
+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.55474
+1cc to Mr.R.Poornima, Advocate, S.R.No.54679

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PCH(CO)
PM/10/11/2021