

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.21790 of 2019

S.Parthiban

... Petitioner

Vs

- 1 The Principal Secretary
Municipal Administration and Water Supply Department
Secretariat
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No. 1 Gandhi Irvin Road
Egmore
Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.
- 4 The Deputy Commissioner (Works)
Corporation of Chennai
Rippon Building
Chennai 600 003.
- 5 The Regional Joint Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.
- 6 The Regional Deputy Commissioner (Central)
Corporation of Chennai
Pulla Avenue, Shenoy Nagar
Chennai 30.
- 7 The Asst. Commissioner
Corporation of Chennai Zone-X
Kodampakkam, Chennai-24.

8 The Zonal Officer
Greater Chennai Corporation Zone-10
Kodambakkam, Chennai 600 024

9 The Executive Engineer
Corporation of Chennai Zone 10
Kodambakkam
Chennai 600 024

10 The Executive Engineer
BRR (Bus Route Road)
Corporation of Chennai
Rippon Building
Chennai 600 003.

11 The Tahsildhar
Mambalam Taluk
Office of the Mambalam Taluk
Chennai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the tenth respondent to remove the entire remaining encroachments in the Kodambakkam Road (Bus Route Road) and widen the same as per the Proceeding of the 8th respondent in Zone-X/C.No.A8/13411/2016 dated 06.07.2016 within a time stipulated by this Honble Court by implementing the Second Master Plan of the second respondent for Chennai Metropolitan Area forthwith.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.1 and 11

Mr.M.Ganesan, for RR3 to 10
(Standing Counsel for
Corporation)

WEB COPY

ORDER

(Order of the Court was made by SENTHILKUMAR RAMAMOORTHY,J.)

The writ petitioner seeks a direction to the tenth respondent to remove the entire remaining encroachments in the Kodambakkam Road (Bus Route Road) and widen the same as per the proceedings of the eighth respondent in Zone-X/C.No.A8/13411/2016, dated 06.07.2016. The petitioner states

that a representation was given in this regard on 10.05.2019, but no action has been taken thereon.

2. In several cases of this nature, this Court observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation unless the matter involves significant public interest.

3. Accordingly, without examining the merits of the representation dated 10.05.2019, the official respondents concerned are directed to dispose of the same by a speaking order within a period of six weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to the affected parties. In the event the petitioner is aggrieved by such decision, it is open to the petitioner to pursue his remedies in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in that regard.

4. W.P.No.21790 of 2019 is disposed of on the above terms. There will be no order as to costs. Consequently, W.M.P.No.20998 of 2019 is closed.

Sd/-

Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar

To:

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- 11 The Tahsildhar
Mambalam Taluk
Office of the Mambalam Taluk
Chennai District.

+1cc to Mr.Ilaya Perumal, Advocate SR.NO.7939
+1cc to Mr.Karthik Rajan, Advocate SR.NO.8152
+1cc to Mr.M.Ganesan, Advocate SR.NO.7898
+1cc to The Government Pleader SR.NO.8065

AKM/23.02.21/ 4P-16 C/

W.P.No.21790 of 2019
11.02.2021