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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2021

CORAM:

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

W.P. NO.23074 OF 2021

N.Krishnamurthy

.. Petitioner

Versus

1. The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai 600 003.
2. The Assistant Engineer,  
Greater Chennai Corporation,  
Corporation Zonal Office IV,  
No.266, T.H.Road,  
Chennai 600 003.
3. The Tamil Nadu Slum Clearance Board,  
Rep. by its Chairman,  
No.5, Kamarajar Salai,  
Chepauk, Chennai 600 005.

4. A.Chandrasekar

.. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1, 2 and 3 to demolish/remove the encroachments made by the fourth respondent by way of running illegal business under the name and style of "SRI STALL" and a cycle repair shop at the entrance of the open passage leading to my house of plot No.59, Door NO.15/4B, Kesava Mudali Street, Tondiarpet, Chennai 600 081.

For petitioner : Mr.Suchit Anant Palande  
for Mr.R.Praburam

For respondents  
for RR1 & 2 : Mr.K.Raja Shrinivas  
for R3 : Mr.M.Rajasekar



ORDER

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

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The Writ Petition is heard through video conferencing.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents respondents 1 to 3 to demolish/remove the encroachments made by the fourth respondent at the entrance of the house of plot No.59, Door No.15/4B, Kesava Mudali Street, Tondiarpet, Chennai.

3. The petitioner would state that he is the absolute owner of the plot No.59 comprised in Survey No.3126/1 part, measuring an extent of 0.31 sq.mt., which was allotted to him by the Slum Clearance Board, vide proceedings, dated 05.03.1984. The fourth respondent is an allottee of Plot No.61 and he has put up construction in the open passage situated between the house of the petitioner and the fourth respondent. It is also stated that the building does not have a valid approval from the first respondent. Hence, he lodged a complaint against the fourth respondent and also sent representations to the respondents 1 to 3, but no action has been taken.

4. The learned counsel appearing for the petitioner Mr.Suchit Anant Palande would state that the third respondent is the competent authority and he may be directed to take appropriate action on the representation of the petitioner dated 29.07.2017.

5. The learned Standing Counsel appearing for the respondents 1 and 2 Mr.Raja Shrinivas, would submit that so far no representation has been received from the petitioner. He would further submit that the lands belong to the Slum Clearance Board and the third respondent is having the authority to redress the grievances of the petitioner. Hence, the third respondent may be directed to take appropriate action.

6. Mr.M.Rajasekhar, learned Standing Counsel appearing for the third respondent would submit that this Writ Petition has been filed based on the representation given in the year 2017. Hence if a fresh representation is given, the third respondent is ready to take action in accordance with law.

7. In the light of the limited scope of the prayer sought for in the Writ Petition and also considering the submissions of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the petitioner to give a fresh representation to the



third respondent by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the third respondent shall take action in accordance with law, after affording ample opportunity to the necessary parties within a period of six weeks therefrom.

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

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

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RSV(CO)  
PM/26/11/2021