

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.20322 of 2020

B.V.Sureshkumar

... Appellant

-VS-

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600 003

2.The Deputy Commissioner (North)
Greater Chennai Corporation,
Zone 5
No.6, Basin Bridge Road,
Chennai 21.

3.The zonal Officer,
Greater Chennai Corporation,
Zone 5 Ward 56,
No.6, Basin Bridge Road,
Chennai 21.

4.The Superintendent,
Parks Department,
Greater Chennai Corporation,
Amma Maligai,
Ripon Buildings Campus,
Chennai 600 003.

5.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai 600 007

6.The Deputy Commissioner (North)
Harbour Range,
2nd Line Beach,
Rajaji Salai,
Chennai 600 001.

... Respondents

Writ petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the respondents to restrain from constructing by encroaching the public road Meeran Labbai Street and direct to construct the compound wall on the eastern and western side of the Aashirvathapuram play ground as it was existing prior to the demolition by ensuring the Revenue records and field map in Survey No.2237 of Meeran Labbai Street.

For petitioner : Mr.R.Sathiyamoorthy

For respondents : Mr.R.Gopinath,
for respondents 1 to 4

Mr.K.S.Suresh,
Govt. Advocate
for respondents 5 and 6

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

An order has been passed earlier today in W.P.No.981/2021 **(N.Shanmugam vs. Government of Tamil Nadu)**, dealing with a complaint pertaining to encroachment. It is impossible for this court to address every issue of encroachment raised by the many petitioners. The order passed earlier today has indicated the procedure to be followed for a representation to be made to the local authorities who have the jurisdiction to remove the encroachment.

2. It has also been observed in the order that Government or Revenue land should not be permitted to be encroached and every encroachment should be removed as expeditiously as possible, without any degree of political or other form of bias being demonstrated.

3. Accordingly, the present petition, W.P.No.20322 of 2020, is disposed of by directing respondents 1 to 4, the officials of the Corporation, to deal with the petitioner's representation, if made, and take appropriate steps in accordance with law, thereupon. The representation must be dealt with by a speaking order. If the petitioner is dissatisfied with the decision taken, the petitioner will be entitled to avail of the petitioner's remedies upon establishing the petitioner's

locus. Public interest litigations cannot be entertained for every encroachment that has taken place unless there is a big issue which comes to the fore or it is a matter of general public importance.

4. With the above observation, the writ petition is disposed of, by calling upon the second respondent to deal with the petitioner's written representation by a speaking order, to be reached to the petitioner within six weeks from date. If any encroachment is found, immediate steps are to be taken in accordance with law, including by resorting to the summary procedure available, for removal of such encroachment. If no encroachment is found, the petitioner's representation must be dealt with and an appropriate reply should be given. It is open to the petitioner to pursue the future remedies available to be petitioner upon the representation being considered. W.P.No.20322 of 2020 is disposed of without any order as to costs. Consequently, W.M.P.No.25118 of 2020 is also closed.

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(S.B., CJ.)

(S.K.R., J.)

20.01.2021

Index : Yes/No

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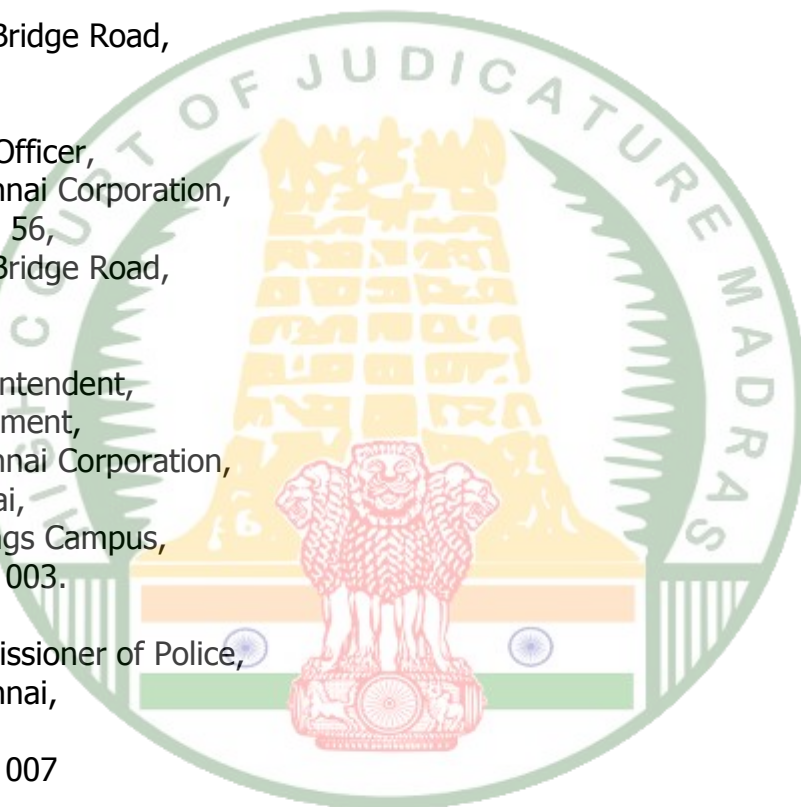
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