



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.5779 of 2022 and WMP.No.5870/2022

M.Ayyadurai

... Petitioner

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Park Town, Chennai-600 003.

2. The Deputy Commissioner,
Greater Chennai Corporation,
Zonal Office, Zone No.8,
Shenoy Nagar, Chennai-30.

3. G.Shanmugam

4. The Executive Engineer,
Greater Chennai Corporation,
Zone VIII, Ward No.104,
Anna Nagar, Chennai.

... Respondents

(4th respondent was suo motu impleaded as a
necessary party in this Order dt.15.03.2022)

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 by considering the petitioner's representation dated 07.02.2022 to remove the construction of Vinayaka Temple encroaching on the middle of the 40 feet public street and also remove the pipal tree planted in the middle of the street by the 3rd respondent near No.20, Pillaiyar Koil Street, Thangam Colony, Anna Nagar, Chennai-40 in Chennai Corporation Zone VIII in Ward 104 at once.



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For Petitioner : Mr.S.Packiaraj
For Respondents : Mr.K.Raja Shrinivas,
1, 2 and 4 Standing Counsel

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 07.02.2022 and to remove the encroachments on the middle of the 40 feet public street and also a pipal tree planted near No.20, Pillaiyar Koil Street, Thangam Colony, Anna Nagar, Chennai-40 in Chennai Corporation Zone VIII in Ward 104 at once.

2. The grievance of the petitioner is that the father of the 3rd respondent installed a Vinayaka idol and also constructed a Pooja Room at about 50 sq.ft. and also planted a pipal tree without encroaching the 40 feet public street-in-question. While so, the 3rd respondent has extended the temple construction during the night time without any proper permission from the Corporation authorities thereby encroaching 15 feet on the public street. Although the local residents complained to remove the encroachment portion, there is no any response from the Corporation. Besides the residents of Thangam Colony has also moved before the Corporation Authorities to remove the pipal tree from the middle of the public street-in-question. Since there was no response for the same, a detailed representation dated 07.02.2022 has been given to remove the encroachment of illegal construction put up on the Vinayakar Temple on the middle of the 40 feet public street. Since till date no action is taken on the said representation, the petitioner has been advised to come to this Court.

3. Mr.K.Raja Shrinivas, learned Standing Counsel taking notice for the respondents 1 and 2 would submit that the Executive Officer, Zone VIII, Ward No.104, Anna Nagar, Chennai should have been made as a necessary party who is the competent authority to look into the petitioner's representation and grievance, therefore, if the said party is impleaded, the representation of the petitioner dated 07.02.2022 would be duly considered by him.

4. Since the matter pertains to encroachment in the public street, we are of the view that calling upon the petitioner to



implead the Executive Officer, Zone VIII, Ward No.104, Anna Nagar, Chennai would take a long time. Therefore, the Executive Officer, Zone VIII, Ward No.104, Anna Nagar, Chennai is suo motu impleaded as 4th respondent in this Writ Petition, who in turn, shall consider and dispose of the representation of the petitioner dated 07.02.2022 and proceed further in accordance with law by removing the encroachments, if any, within a period of four weeks from the date of receipt of a copy of this Order after issuing notice to the 3rd respondent and other encroachers, if any.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Park Town, Chennai-600 003.
2. The Deputy Commissioner,
Greater Chennai Corporation,
Zonal Office, Zone No.8,
Shenoy Nagar, Chennai-30.
3. The Executive Engineer,
Greater Chennai Corporation,
Zone VIII, Ward No.104,
Anna Nagar, Chennai.

+2cc to Mr.S.Packiaraj, Advocate SR.No.17221

+1cc to Mr.K.Raja Shrinivas, Advocate SR.No.18329

W.P.No.5779 of 2022

MT (CO)

CB(20/04/2022)