



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WRIT PETITION NO.3493 OF 2013

S.Sushila

...Petitioner

Vs

The Executive Engineer
Zone III, Anna Nagar Division,
Tamil Nadu Slum Clearance Board,
Chennai-600 039.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the respondent relating to N.Ko.No.212/ E.Ni.Po(The)/ Ko/3/2012 dated 21.11.2012 and quash the same as illegal, without jurisdiction, violative of Tamil Nadu Slum Clearance Board (Control and Management of Properties) Rules 1971 and non est in law.

For Petitioner : Mr. S.Arivazhagan

For Respondent : Mr.S.Prabhu

O R D E R

The Petitioner is one of the allottees of the 876 tenements, constructed by the respondent at PV Street scheme within the jurisdiction of Greater Chennai Corporation. During the periodical maintenance, it was found that there was an encroachment on the area near petitioner's block causing hindrance to regular maintenance and blockage in the sewage line in the backyard of petitioner herein. The respondent have issued a notice to remove this encroachment failing which they will remove it at the cost of the petitioner. The said notice is under challenge before this Court.

2. The learned counsel for the petitioner submitted that the petitioner has not encroached any portion particularly the sewage line running behind the block. If at all there is any blockage, it can be removed by the respondent and the sewage line can be maintained and the maintenance work can go on.



3. Recording the submission of the learned counsel for the petitioner, this Writ Petition is disposed of with the following directions:

(a). The respondent is entitled to carry out the regular maintenance work behind the backyard of petitioner's block,

(b). If any blockage is found, it can be removed by the respondent and the petitioner will not interfere in the maintenance work,

(c). If there is any encroachment around the petitioner's property it can also be removed by the respondent and the petitioner shall not have any objection.

4. Accordingly the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

sha/kpr

To

The Executive Engineer
Zone III, Anna Nagar Division,
Tamil Nadu Slum Clearance Board,
Chennai-600 039.

+1cc to Mr.S.Prabhu, Advocate Sr.No.23172

W.P.No.3493 of 2013

AJB(CO)
RVM(01/06/2022)