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W.P.No.15504 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.No.15504 of 2016

Garage Owners Welfare Association,
Rep. By its Secretary Dr.A.Vidyasagar,
28th Cross Street,
Besant Nagar, Chennai – 90.

...Petitioner

Vs

1.The Executive Engineer,
Corporation of Chennai,
Zonal Office – X,
Chennai – 20.

2.The Executive Engineer,
Tamil Nadu Housing Board (TNHB),
Besant Nagar Division,
Besant Nagar,
Chennai – 600 090.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus by issuing a suitable direction, directing the second respondent herein to initiate appropriate action and to implement the



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order passed, in letter No.HS/2745/2013, dated 17.10.2013 and remove the encroachments, forthwith.

For Petitioner : Mr.V.Ashok kumar.

For Respondents : Mr.G.T.Subramanian, Standing Counsel for R1.
Mr.D.Veerasekaran, Standing Counsel for R2.

ORDER

[Order of the Court was made by R.MAHADEVAN,J.]

The prayer made in this Writ Petition is to issue a writ of mandamus directing the second respondent to implement the order passed by the second respondent by letter No.HS/2745/2013, dated 17.10.2013, initiate appropriate action and remove the encroachment in 28th Cross Street, Besant Nagar, Chennai-90.

2.When the matter was taken up for consideration, the learned Standing Counsel appearing for the first respondent drew the attention of this court to the counter affidavit filed by the Greater Chennai Corporation, wherein, in paragraphs 5 and 6, it was stated as follows:

"I respectfully submit that the Chennai Corporation has issued Stop Work Notice under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 dated 26.03.2013. Further I submit



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that pursuant to the above notice the encroachment has been removed by the Chennai Corporation officials on 31.08.2013.

6.I respectfully submit that further the second respondent herein in his letter dated 17.10.2013 vide Letter No.H.S/2745/2013 has stated that the encroachments made in the land allotted for parking will be removed within 10 days."

However, the learned counsel is not in a position to state whether the encroachment alleged by the petitioner has been removed.

3.In view of the above, this court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 03.10.2013 and remove the encroachment, if not removed earlier, in the light of the communication of the second respondent dated 17.10.2013, after following due process of law, within a period of four weeks from the date of receipt of a copy of this order.

4.Accordingly, this writ petition stands disposed of. No costs.

(R.M.D.,J.) (M.S.Q.,J.)
20.01.2023

ay/nsd

Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

R.MAHADEVAN,J.



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**and
MOHAMMED SHAFFIQ,J.**

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Copy To

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Chennai – 20.

2.The Executive Engineer,
Tamil Nadu Housing Board (TNHB),
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Besant Nagar,
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