



W.P.No.6310 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.6310 of 2018

V.Ravi

.. Petitioner

Vs.

- 1.The Member Secretary,
CMDA,
Gandhi Irvin Road,
Egmore, Chennai-8.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-3.
- 3.The Zonal Officer,
Zone VI,
Corporation of Chennai,
Ayanavaram,
Chennai-23.
- 4.The Executive Engineer,
Zone VI,
Corporation of Chennai,
Ayanavaram,
Chennai – 600 023.
- 5.The Assistant Executive Engineer,



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Unit 15,
Corporation of Chennai,
SRP Koil Street,
Agaram,
Chennai-82.

6.The Junior Engineer,
Division 65,
Corporation of Chennai,
No.6, Subramaniyapuram Second Street,
Kolathur,
Chennai-99.

7.Boopathy

8.Navneetha Ammal

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take necessary action on the complaint dated 21.02.2018 and to remove the un-authorised construction put up by the 7th and 8th respondents over the road within a stipulated time.

For Petitioner : Mr.P.Sivamani

For R1 : Mr.C.N.Vinobha,
Standing Counsel

For R2 to 6 : Mr.A.C.Manibharathi,
Standing Counsel

ORDER



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(Order of the Court was delivered by V.M.VELUMANI,J.)

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The petitioner has come out with the present Writ Petition for a direction to respondents 1 to 6 to take necessary action on the complaint dated 21.02.2018 and to remove the un-authorised construction put up by 7th and 8th respondents over the road within a stipulated time.

2. According to the petitioner, he has been in absolute possession and enjoyment of the vacant land, bearing Plot Nos.69 and 70, measuring to an extent of 5200 sq.ft., comprised in Survey No.2/1A (Part), Kolathur Village, Perambur Taluk, Chennai-600 099. On the Southern side of his property, a 20 feet road is running East to West, which is the only pathway to enter into his property. According to the petitioner, though he had entered into an agreement of sale for purchase of the property, bearing Plot Nos.71 and 72, his vendors refused to execute a Sale Deed. While so, when the petitioner visited the above property, he found that one Navaneetha Ammal and Bhoopathy are attempting to encroach upon the road, located on the Southern side of his property, by erecting a pit for foundation and putting up an un-authorised permanent structure over the road portion. In this regard, the petitioner approached respondents 1 to 6 on 21.02.2018 requesting them to take necessary legal action against the



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un-authorised construction. Since no action has been taken by them, the petitioner has come out with the present Writ Petition for the above stated relief.

3. Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the first respondent and the learned Standing Counsel appearing for respondents 2 to 6 and perused the materials on record.

4.A Report has been filed by the fourth respondent stating that the disputed site has been inspected on 01.03.2018 and a Stop Work Notice has been issued on 05.03.2018. Thereafter, the construction was stopped by respondents 7 and 8. The third respondent had addressed a letter to the Land and Estate Department, Corporation of Chennai requesting them to conduct a joint inspection with the Tahsildar, Ayanavaram and to file a report about the alleged encroachment made by respondents 7 and 8 on the road.



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5. Considering the nature of relief sought for in the Writ Petition, respondents 2 to 6 are directed to inspect the property after issuing notice to the petitioner as well as respondents 7 and 8, within a period of two weeks from the date of receipt of a copy of this order and if there is any un-authorised construction, take action against respondents 7 and 8, within a period of four weeks thereafter.

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

(V.M.V., J) (V.L.N., J)
28.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

vga

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