



W.P.No.11331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.11331 of 2023

R.Amudha

.. Petitioner

Vs.

1.The Commissioner
Tambaram City Municipal Corporation
Chrompet
Chennai-600 044.

2.The District Collector
Chengalpattu District
Tamil Nadu-603 111.

3.Rajaram

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 & 2 to consider the petitioner's representation dated 23.02.2023 made to the respondents 1 & 2 and direct the respondents 1 & 2 to remove the obstruction caused by tin sheets illegally erected by the



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3rd respondent on the eastern side of the M.G.R. Nagar, cross street, Chrompet, Chennai-600 044 abutting the western side entrance of the property at No.5, NSK nagar, Dr.Rajendra Prasad Road, Chrompet, Chennai-600 044.

For Petitioner : Mr.S.Suresh Kumar
For R1 : Mr.P.Srinivas
Standing Counsel
For R2 : Mr.A.Selvendran
Special Government Pleader

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 & 2 to consider the petitioner's representation dated 23.02.2023 made to the respondents 1 & 2 and direction to the respondents 1 & 2 to remove the obstruction caused by tin sheets illegally erected by the 3rd respondent on the eastern side of M.G.R. Nagar cross street, Chrompet, Chennai-600 044 abutting the western side entrance of the property at No.5, NSK nagar, Dr.Rajendra Prasad Road, Chrompet, Chennai-600 044.



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2. By consent of the learned counsel appearing for the petitioner as well as Mr.P.Srinivas, learned Standing Counsel, who takes notice for the 1st respondent and Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the 2nd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel appearing for the 1st respondent, learned Special Government Pleader appearing for the 2nd respondent and perused the materials on record.

4. According to the petitioner, she, her son and daughter are owners of property bearing No.5, NSK Nagar, Dr.Rajendra Prasad Road, Chrompet. The 3rd respondent had dug the eastern border of MGR Nagar cross street abutting the western side entrance of the petitioner's property at MGR Nagar cross street up to a length of 40 feet and erected tin sheets on the eastern border of the street on 06.02.2021 and obstructed free flow of people and vehicles in the street. The 3rd respondent has also thrown the garbage and rotten waste materials over the tin sheets. The act of the 3rd respondent caused severe health hazards to the petitioner as well as



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other residents. The petitioner's mother-in-law gave a complaint to the authorities and issued notice to the 3rd respondent. The 3rd respondent sent a reply claiming that it is private property of the 3rd respondent and five other occupants of the said street. The petitioner sent representation dated 23.02.2023 to the respondents 1 & 2 to take action against the 3rd respondent for removal of tin sheets. Since no action has been taken on the said representation, the petitioner has come out with the present Writ Petition.

5. Learned counsel appearing for the petitioner submitted that the petitioner obtained information under RTI Act from the 1st respondent, who informed that MGR street measuring 73 meters in length and 2.30 meters in breadth is recorded as a road in the Road Register of Tambaram Corporation Zone – 3 and it is not the private property as alleged by the 3rd respondent and prayed for allowing the Writ Petition.

6. It is the case of the petitioner that 3rd respondent has illegally put up tin sheets obstructing the usage of MGR Nagar cross street by the petitioner as well as general public. According to the petitioner, the 3rd respondent claimed that it is the private property of 3rd respondent as well



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as five other occupants of the said street. In view of the said rival case, the 1st respondent is directed to inspect the property in question within a period of two weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as 3rd respondent and if tin sheets are put up illegally and unauthorisedly in the public road, the 1st respondent is directed to take appropriate proceedings against the 3rd respondent.

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

(V.M.V., J) (V.L.N., J)
13.04.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

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Tambaram City Municipal Corporation
Chrompet
Chennai-600 044.

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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

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