



W.P.No.4149 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.4149 of 2016

P.Subramaniyan

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai – 3.

2.The Zonal Officer,
Corporation of Chennai,
Division-VII, Ambathur, Chennai – 53.

3.The Principal Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600 008.

4.The Secretary,
DABC Divyan Flats Welfare Association,
Mogappair Eri Scheme,
Chennai – 600 037.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying
to issue a WRIT OF MANDAMUS directing the respondents 1 to 3 to



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forthwith remove the encroachments made by 4th respondent in the public pathway to an extent of about 4.5 meters width in Ward No.91, Mogappair Village in Survey Nos.474/1A, 474/1B & 474/1C, where, 4th respondent's residential flats have been built and that of the adjoining open space reserve land (OSR) in S.No.442, by initiating appropriate enforcement action under the relevant provision of the Act and Rules on the basis of the representation dated 15.04.2015.

For Petitioner : Ms.N.R.Jasmine Padma
For RR1 & 2 : Mr.G.T.Subramanian
For R3 : Ms.Veena Suresh

ORDER

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

This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 3 to forthwith remove the encroachments in the public pathway to an extent of about 4.5 meters width in Ward No.91, Mogappair Village in Survey Nos.474/1A, 474/1B & 474/1C, wherein, the fourth respondent has built residential flats, and in the adjoining open space reserve land (OSR) in S.No.442, by initiating appropriate action as per law, on the basis of the representation dated 15.04.2015.



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2.Today, when the matter was taken up for consideration, the learned counsel appearing for the respondents 1 and 2, placing reliance on the counter affidavit filed by the second respondent, submitted that upon receipt of the complaint of the petitioner, the second respondent issued a notice dated 04.05.2015 calling upon the fourth respondent to produce the approved plan under sections 56 and 57 r/w section 85 of the Tamil Nadu Town and Country Planning Act, 1971 and the fourth respondent also submitted the approved plan on 07.05.2015. Thereafter, the Corporation officials inspected the 4th respondent building and found that the building was constructed as per the approved plan. Thus, according to the learned counsel, there are no encroachments as projected by the petitioner in his representation dated 15.04.2015.

3.Recording the above submissions made by the learned counsel for the respondents 1 and 2, this writ petition stands closed. No costs.

[R.M.D., J.] [M.S.Q., J.]
20.01.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation; Yes / No
nsd

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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

nsd

To

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