



WEB COPY



W.P.Nos.7670 & 9093 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.Nos.7670 and 9093 of 2016

W.P.No.7670 of 2016

R.Vinoth

..

Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai – 600 003.

2.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

3.The Additional Commissioner of Police (Traffic),
Chennai City Police,
Veppery, Chennai.

4.Nithya

.. Respondents

W.P.No.9093 of 2016

V.Nithya

.. Petitioner



W.P.Nos.7670 & 9093 of 2016

Vs.

1.The District Collector,
Singaravelar Maaligai,
Chennai – 600 001.

2.The Secretary,
Tamil Nadu Slum Clearance Board,
E.V.R. Periyar Maaligai,
Chepauk, Chennai – 600 005.

3.The Commissioner,
Corporation of Chennai,
Rippon Maaligai, Chennai – 600 003.

4.The Assistant Commissioner,
Corporation of Chennai, Zone – 10,
Kodambakkam, Chennai – 600 024.

5.Vinoth

6.Murugesan

7.Sathya

.. Respondents

Prayer in W.P.No.7670 of 2016: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent in the middle of the road at Kamarajar Colony, 2nd street and before B-Block and C-Block of Boopathy Nagar, Kodambakkam, Chennai – 600 024 considering the petitioner's complaint dated 19.11.2015.



W.P.Nos.7670 & 9093 of 2016

Prayer in W.P.No.9093 of 2016: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents 1 to 4 to remove the encroachment made by the respondents 5, 6 and 7 in the public well and motor pump room at the apartments in No.34 “B” and “C” Block, Boopathy Nagar, Kodambakkam, Chennai – 600 024, constructed by the Tamil Nadu Slum Clearance Board, based on the petitioner's representation dated 23.11.2015 to the respondents 1 to 4 herein and make the said public well and motor pump set room for public utility.

W.P.No.7670 of 2016:

For Petitioner	: Mr.S.Nambi Arooran
For R1	: Mr.G.T.Subramaniam
For R2	: Mr.G.Venkatesan
For R3	: Mr.A.Selvendiran
	Special Government Pleader

W.P.No.9093 of 2016:

For Petitioner	: Mr.S.Kingston Jerold
For R1	: Mr.A.Selvendiran
	Special Government Pleader
For R2	: Mr.G.Venkatesan
For RR3 and 4	: Mr.G.T.Subramaniam

COMMON ORDER

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

The prayer made in WP.No.7670 of 2016 is to issue a writ of mandamus, directing the respondents 1 and 2 to remove the encroachment



W.P.Nos.7670 & 9093 of 2016

made by the fourth respondent in the middle of the road at Kamarajar Colony, 2nd street and before 'B' and 'C' Blocks of Boopathy Nagar, Kodambakkam, Chennai-600 024.

The prayer made in WP.No.9093 of 2016 is to issue a writ of mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 7 in the public well and motor pump room at the apartments in No.34 'B' and 'C' Blocks, Boopathy Nagar, Kodambakkam, Chennai-600 024 constructed by the Tamil Nadu Slum Clearance Board and make the said public well and motor pump set room for public utility.

2.The learned counsel for the petitioners submitted that the petitioners have submitted their representations dated 19.11.2015 and 23.11.2015, seeking removal of the encroachment in the subject property and the same are pending without any progress. Therefore, these writ petitions.

3.On the other hand, the learned counsel appearing for the Chennai Corporation invited the attention of this court to the counter affidavit filed



W.P.Nos.7670 & 9093 of 2016

in WP.No.9093 of 2016, wherein, it is *inter alia* stated that the disputed land comes under the purview of the Tamil Nadu Slum Clearance Board and the alleged pump house has been constructed for providing water to the residence of the tenements and hence, the second respondent is the competent authority to take action against the encroachment. It is further stated therein that the fifth respondent in WP.No.9093 of 2016 is the petitioner in WP.No.7670 of 2016 and based on his complaint, inspection was conducted and it was found that the petitioner in WP.No.9093 of 2016 has encroached the storm water drain and road and therefore, a notice under section 220 r/w 222 of the Chennai City Municipal Corporation Act IV of 1919 dated 31.03.2016 has been issued to him. However, the learned counsel fairly submitted that the respondent authorities would consider the representations of the petitioners and pass appropriate orders, on merits and in accordance with law.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the case, directs the respondent



W.P.Nos.7670 & 9093 of 2016

concerned to consider the representations of the petitioners dated 19.11.2015 and 23.11.2015 respectively and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to all the parties, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioners, the same shall be removed after following due process of law.

5. Accordingly, both the writ petitions stand disposed of. No costs.

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

nsd

To

1. The District Collector,
Singaravelar Maaligai, Chennai – 600 001.

2. The Secretary,
Tamil Nadu Slum Clearance Board,
E.V.R. Periyar Maaligai,
Chepauk, Chennai – 600 005.

3. The Commissioner,
Corporation of Chennai,
Rippon Maaligai, Chennai – 600 003.

6/8



W.P.Nos.7670 & 9093 of 2016

4.The Assistant Commissioner,
Corporation of Chennai, Zone – 10,
Kodambakkam, Chennai – 600 024.

5.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai – 600 005.

6.The Additional Commissioner of Police (Traffic),
Chennai City Police, Veppery, Chennai.

7.The Additional Government Pleader,
High Court, Madras.



WEB COPY



W.P.Nos.7670 & 9093 of 2016

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

nsd

W.P.Nos.7670 & 9093 of 2016

20.01.2023