



W.P.No.26489 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26489 of 2019

B.Kolapuri

.. Petitioner

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
Thala Muthu Nadarajar Malligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Commissioner
Corporation of Greater Chennai
Rippon Building
Park Town
Chennai 600 003.
3. The Executive Engineer
Corporation of Greater Chennai
Zone No.8, No.36, Pulla Avenue
Shenoy Nagar
Chennai 600 030.
4. K.Manoharan



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5. The Secretary
Housing & Urban Development Department
Fort St. George, Chennai 600 009. .. Respondents

[R5 impleaded vide order dated 22.11.2023]

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.05.2019 and 22.06.2019 and consequently, remove the illegal and unauthorised construction carried out by the fourth respondent in the 20 feet width public road meant for free flow of traffic, for ingress and egress to their respective places by locality people and general public.

For the Petitioner : Mr.A.G.Rajakumar

For the Respondents : Ms.P.Veena Suresh
for Respondent-1

Mr.E.C.Ramesh
Standing Counsel
for Respondents 2 & 3

Mr.R.Abdul Mubeen
for Respondent-4

Mr.P.Muthukumar
State Government Pleader
for Respondent-5

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.G.Rajakumar, learned counsel for the petitioner, Ms.P.Veena Suresh, learned counsel for the first



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respondent, Mr.E.C.Ramesh, learned Standing Counsel for the respondents 2 and 3, Mr.R.Abdul Mubeen, learned counsel for the fourth respondent and Mr.P.Muthukumar, learned State Government Pleader for the fifth respondent.

2. It is submitted that the fourth respondent has carried out unauthorised construction by encroaching upon the public road.

3. Learned counsel for the Corporation submits that lock and seal notice has been issued by the Corporation on 14.05.2019 against which the fourth respondent has filed an appeal.

4. Learned counsel for the fourth respondent submits that the appeal is filed on 22.10.2019 and the same is yet to be decided by the Government.

5. Leave to add the Secretary, Housing and Urban Development as a party is granted.



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6. Learned State Government Pleader accepts notice for the newly added fifth respondent.

7. In case the appeal filed by the fourth respondent is pending with the newly added fifth respondent, the fifth respondent shall decide the same on its own merits and in accordance with law, expeditiously, preferably within six months from today. The petitioner shall appear before the fifth respondent on 05.12.2023. Depending upon the decision taken in the appeal, the parties may take further steps.

8. The writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

22.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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