



WEB COPY



W.P.No.12947 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12947 of 2022

R.Krishnan

.. Petitioner

VS

1.The District Collector,
Chennai District at
Chennai-600 001.

2.Corporation of Greater Chennai,
rep. by its Commissioner,
Ripon Buildings,
Chennai-600 003.

3.The Zonal Officer,
Greater Chennai Corporation, Zone-IX,
Trustpuram, Kodambakkam,
Chennai-600 024.

4.Umapathy

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachments of the 4th respondent viz., "Sri Aadhi



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Sakthi Vinayagar Temple, Peepal and Neem Trees”, situated in front of petitioner's house bearing Old Door No.28A, New Door No.29, Vannarpathai, Kodambakkam, Chennai-600 024.

For the Petitioner : Mr.K.Premkumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent No.1

: Mr.A.C.Manibharathi
for respondents 2 and 3

: Mr.Hem Kumar
for M/s.Ganesh & Ganesh
for respondent No.4

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.K.Premkumar, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for respondent No.1; Mr.A.C.Manibharathi, learned counsel for respondent Nos.2 and 3; and Mr.Hem Kumar, learned counsel for M/s.Ganesh & Ganesh, learned counsel for respondent No.4.



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2. Encroachment by the fourth respondent is alleged in front of the petitioner's house bearing Old Door No.28A, New Door No.29, Vannarpathai, Kodambakkam, Chennai-24.

3. Learned counsel for the Corporation submits that notice under Section 220 read with Section 222 of the CCMC Act IV of 1919 is already issued to the fourth respondent for removal of encroachment.

4. On a perusal of the said notice, we find that the said notice is issued under the Repeal Act.

5. At this juncture, learned counsel for the Corporation submits that the Corporation will issue a fresh notice eliciting explanation from the fourth respondent

6. If any such fresh notice is received by the fourth respondent, the fourth respondent may file his reply to the said notice. Depending upon the reply received, further steps be taken.



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7. With these observations, the writ petition stands disposed of.

There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

11.01.2024

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

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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