



WEB COPY



W.P.No.24551 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.24551 of 2019

D.Prabu

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

2.The Zonal Officer,
Zone – III,
Thattankulam,
Bazaar Road,
Madhavaram,
Chennai – 600 060.

3.The Tahsildar,
Madhavaram Taluk,
Madhavaram,
Chennai – 600 060.

4.Saravanan
5.Punniyakottai

... Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in S.No.950/2 (New S.No.107) situated in , Bharathiyar Street, Madhavaram, Chennai and to ensure the respondents for the usage of public as well as petitioner without any obstruction from the 4th and 5th respondent.

For Petitioner	: Mr.K.Balu
For R1 & R2	: M.E.C.Ramesh Standing Counsel
For R3	: Mr.A.Selvendran Special Government Pleader
For R4 & R5	: No appearance

ORDER

(Order of the Court delivered by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the respondents 1 to 3 to remove the encroachments made by the respondents 4 and 5 in Survey No.950/2 (New S.No.107) situated at Bharathiyar Street, Madhavaram, Chennai and to ensure the respondents for the usage of public as well as petitioner without any obstruction from the 4th and 5th respondents.



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2. Mr.K.Balu, learned Counsel for the petitioner would submit that the respondents 4 and 5 have encroached upon the public street. The representation made by the petitioner was not considered. Thus, the present writ petition came to be instituted.

3. Mr.A.Selvendran, learned Special Government Pleader and Mr.E.C.Ramesh, the Standing Counsel for the Chennai Corporation would submit that the respondents 4 and 5 had constructed pillars in the 'Pathway'.

4. Thus, it is apparently clear that the encroachments are identified. The streets are to be protected for the usage of public at large. Therefore, we are inclined to consider the writ petition. Accordingly, the respondents 1 to 3 are directed to initiate all appropriate actions by issuing the show cause notice to the encroachers. On receipt of any objections from the encroachers, the Official respondents shall consider the same and pass orders by following the procedures and thereafter remove the encroachers without causing any undue delay. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

[S.M.S.J.] [K.R.S.J.]
22.02.2024

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

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