



WEB COPY

W.P. No.38472 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.38472 of 2024

1. K. Ramalingam
 2. B. Mythili
- Petitioners

vs.

1. The Commissioner
Greater Chennai Corporation
Chennai 600 003
 2. The Chairman-cum-Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai 600 035
 3. The Director
Tamil Nadu Fire & Safety Services Department
Chennai
 4. The Assistant Executive Engineer
Corporation of Chennai
Zone 8, Anna Nagar
Chennai 600 040
 5. The Health Officer
Greater Chennai Corporation
Chennai 600 003
 6. Parasuraman
- Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to take action against the 6th respondent and remove the encroachments made by him and also to direct the sixth respondent to put up the compound wall which was demolished by him without any prior permission from the second respondent based on the representations dated 28.10.2024 to the fourth respondent and 02.11.2024 to the second, third and fifth respondents.

For petitioners Mr. C. Sivanesan

For RR 2 & 3 Mr. T.K. Saravanan
Government Advocate

For RR 1,4 & 5 Ms.K. Aswini Devi
Standing Counsel for
Chennai Corporation

ORDER

(made by M. SUNDAR, J.)

Captioned main 'writ petition' ('WP' for the sake of brevity) pertains to a common area/open space in 'Apartment Z-89 (Old No.MIG 77-C and Apartment No.Z-87, both in Fifth Avenue, Anna Nagar, Chennai - 600 040' ('said property' for the sake of clarity and convenience).

2. Mr. C. Sivanesan, learned counsel for writ petitioners submits that R6 (private respondent) has encroached upon said property, official respondents were petitioned but the same did not evoke any response/action and that has necessitated the filing of captioned main WP.



3. Issue notice to official respondents, *i.e.*, RR 1 to 5.

4. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for RR 2 and 3. Ms. K. Aswini Devi, learned Standing Counsel, accepts notice for RR 1, 4 and 5.

5. Ms. K.Aswini Devi, learned Standing Counsel for Chennai Corporation submits that no survey of said property has been done.

6. In the light of the narrative thus far, we deem it appropriate to write that R1 (Commissioner, Chennai Corporation) shall survey the said property within a period of three weeks from today, *i.e.*, by 23.01.2025, after putting on notice writ petitioner as well as private respondent - R6 (in their presence or in the presence of their representatives). If no encroachment and/or unauthorised business/construction is found, that would be the end of the matter but if encroachments are found, suitable action shall be commenced and concluded under appropriate statute (obviously providing for alleged encroacher/violator to be show caused) as expeditiously as the business of the official respondents would permit but in any event, within a period of twelve weeks from today, *i.e.*, by 27.03.2025. We make it clear that all the rights and contentions of private respondent



are preserved. This is the safety valve *qua* private respondent a
therefore, with the consent of learned counsel on both sides, main WP
itself is taken up for final disposal in the Admission Board.

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Captioned main WP is disposed of in the aforesaid manner. There
shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
02.01.2025

Index : Yes/No
NC : Yes/No
cad



To:

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