

In the High Court of Judicature at Madras

Dated: 22.12.2006

Coram:

The Honourable Mr. Justice P.SATHASIVAM
and
The Honourable Mr. Justice S.TAMILVANAN

Writ Petition No.50078 of 2006
and M.P.No.1 of 2006

Lakshmi Poonalingam ...Petitioner

...vs...

1. The Member Secretary,
C.M.D.A.,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

2. The Commissioner of
Municipal Administration,
Municipal Administration Dept.,
Ezhilagam Buildings,
6th Street, Chetpet,
Chennai-600 005.

3. The Commissioner,
Pallavaram Municipality,
Chrompet,
Chennai-600 044.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Mandamus, for the reasons stated therein.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran for R1
Mr.K.Elango, Spl.G.P.for R2
Mr.K.Elango, Spl.G.P.for
Mr.Raja Kalifulla,
Govt.Pleader for R3

ORDER

(Order of the Court was made by P.SATHASIVAM, J.,)

The petitioner has approached this Court to issue a Writ of Mandamus, directing the respondents to take necessary steps to remove the illegal encroachment by demolishing the constructions made on 12 feet public road at Gandhi Avenue at 18th Cross Street, New Colony, Chrompet, Chennai-44 in terms of the Letter No.ES3/2832/2006 dated 14.03.2006 issued by the 1st respondent to the 3rd respondent in order to ensure that no person would encroach the public road by violating the rule of law.

2. On direction, Mr.J.Ravindran takes notice for 1st respondent-C.M.D.A., and Mr.Elango, Special Government Pleader takes notice for respondents 2 and 3.

3. It is brought to our notice that though the petitioner has made representations on 25.01.2006, 08.02.2006 and 10.02.2006 to the 3rd respondent Commissioner, Pallavaram Municipality, no action has been taken by him with reference to the grievance expressed in those representations. It is also brought to our notice that the 1st respondent C.M.D.A., by their communication dated 14.03.2006, permitted the Commissioner, Pallavaram Municipality to take necessary action in terms of their Circular No.RT1/12393/2005 dated 27.04.2005.

4. It is the grievance of the petitioner that in spite of the same, the 3rd respondent has not taken effective steps so far. In view of the assertion and of the limited relief prayed for, we are of the view that ends of justice would be met by directing the 3rd respondent, the Commissioner, Pallavaram Municipality, to consider and dispose of the representations of the petitioner dated 25.01.2006, 08.02.2006, 10.02.2006 as well as the communication of the C.M.D.A., dated 14.03.2006 and pass appropriate orders, in accordance with law, expeditiously. It is made clear that if any action is to be taken against third parties / encroachers, he is directed to issue notice to them and take action in accordance with law.

With the above observation, writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2006 is closed.

g1

Sd/-
Assistant Registrar

/true copy/

Sub Assistant Registrar.

To

1. The Member Secretary,
C.M.D.A.,
No.I, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

2. The Commissioner of
Municipal Administration,
Municipal Administration Dept.,
Ezhilagam Buildings,
6th Street, Chetpet,
Chennai-600 005.

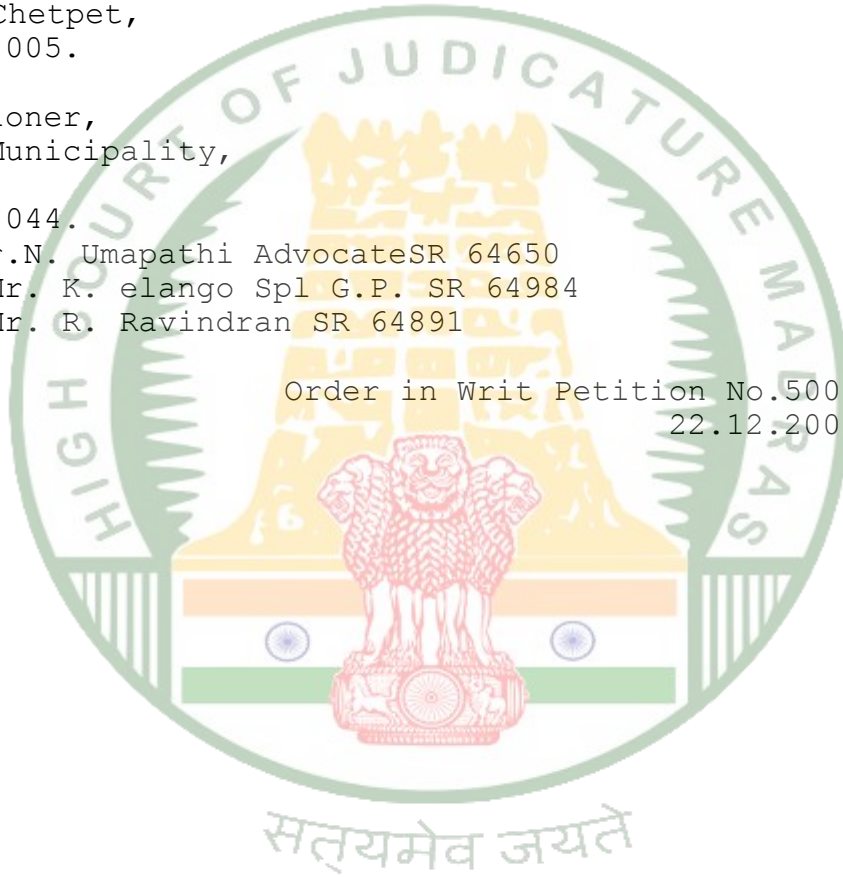
3. The Commissioner,
Pallavaram Municipality,
Chrompet,
Chennai-600 044.

+One cc to Mr.N. Umapathi AdvocateSR 64650
+ One cc to Mr. K. elango Spl G.P. SR 64984
+ One CC to Mr. R. Ravindran SR 64891

GV (co)

sg 10/01/07

Order in Writ Petition No.50078 of 2006
22.12.2006



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