



W.P.No.6853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.07.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.6853 of 2025
and
W.M.P.No.7543 of 2025

L.Kamaleshwar
S/o.L.Narasimalu

... Petitioner

vs.

1. The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai-600 003.
2. The Zonal Officer
Zone – XI
Greater Chennai Corporation
3 Arcot Road, Bhuvaneshwari Nagar
Valasaravakkam, Chennai-600 087.
3. The Assistant Engineer
Greater Chennai Corporation
Zone – XI, Division – 145
No.106, Karuneegar Street
Nerkundram Koyembedu
Chennai-600 107.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of Mandamus, directing the respondents 1 to 3 to consider the

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petitioner's complaint dated 12.02.2025 and representation dated 13.02.2025 and thereby to remove the obstructions by way of constructions and structures erected in the Nerkundram road (cart track) comprised in survey no.120/1A situated in Nerkundram Village, Maduravoyal Taluk Chennai District located in front of the Gate of petitioner's property bearing Door No. 121/1 Nerkundram road Chinmaya Nagar Chennai 600 092 comprised in survey no. 121/1A presently in Survey No. 121/1A1 and No. 121/1A2 in Nerkundram village Maduravoyal Taluk, Chennai District forthwith and to direct them to maintain the said Nerkundram Road (Car track) as a Public Road as per the Revenue records without any obstructions hindrances in future in view of the Resolution dated 31.03.2011 made in Bill No. 76 and based on NOC dated 16.06.2011 issued by the Nerkundram First Grade Panchayat Board.

For Petitioner : Mr.S.L.Sudarsanam
For Respondents : Ms.Vanitha Joice Rani
Standing Counsel

ORDER

The petitioner has filed the present writ petition seeking a direction to respondents 1 to 3 to remove the obstructions caused by the constructions and structures put up on Nerkundram Road (cart track) comprised in Survey No.120/1A, situated at Nerkundram Village, Maduravoyal Taluk, Chennai District, in front of the petitioner's property bearing Door No.121/1, Nerkundram Road, Chinmaya Nagar, Chennai – 600 092, comprised in

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Survey No.121/1A, now subdivided as Survey Nos.121/1A1 and 121/1A2.

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2. The petitioner states that the respondent Panchayat had passed a resolution in the year 2011 permitting him to use the cart track for ingress and egress to his property. However, the said resolution was subsequently revoked.

3. The respondents have filed a counter affidavit stating that Resolution No.437/2023 dated 13.02.2023 was passed by the Ward Council for construction of a free toilet block in Survey No.120/1, Madha Kovil Street, Nerkundram Village, Maduravoyal Taluk, Chennai District. It is further stated that the proposal to construct the free toilet block on a portion of the public road/cart track was made to provide sanitary facilities to the residents of Valliamman Nagar and to persons using the cemetery, the park and the Koyambedu Market. Challenging the said proposal, the petitioner filed the present writ petition, and this Court granted an interim order of injunction, which continues to be in force.

4. Heard the learned counsel appearing for the parties.

5. Admittedly, the property on which the free toilet block is proposed to be constructed is situated on Nerkundram Main Road, whereas the



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resolution was passed for construction of a free toilet block at Madha Kovil Street, Nerkundram Village. The petitioner has produced a sketch. A perusal of the sketch shows that Nerkundram Main Road and Madha Kovil Street are two different roads. Nerkundram Main Road is the main road, whereas Madha Kovil Street is an internal road. The Koyambedu Market is situated at a distance of about 3 kilometres from the place where the toilet block is proposed to be constructed. The petitioner has also produced a representation dated 21.04.2025 addressed to the second respondent, signed by 54 residents of the locality, stating that there is no need for a free toilet block since all the residents have toilets in their houses and that the cart track is required for future road widening.

6. In the above circumstances, the second respondent has not made out any *prima facie* case to show that the proposed construction of the free toilet block is required in the larger public interest. The Koyambedu Market is situated about 3 kilometres away, and it cannot reasonably be expected that persons using the market would travel such a distance to use the proposed toilet. Therefore, the proposed construction of the free toilet block at the said location is neither feasible nor practical and does not serve any public purpose.



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7. Accordingly, the writ petition is allowed. The second respondent is restrained from constructing a free toilet block on the said property. The second respondent is further directed to restore the property to its original condition within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

09.07.2026

Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

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To

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HEMANT CHANDANGOUDAR, J.,

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