

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12528 of 2016

Hepsibha Nesamani
W/o.L.Martin

.. Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2.Superintendent Engineer,
Corporation of Chennai,
Zone - 3,
Chennai - 600 060.

3.Assistant Executive Engineer,
Corporation of Chennai,
Zone - 3, Madhavaram,
Chennai - 600 060.

4.Assistant Engineer,
Corporation of Chennai,
Zone - 3, Madhavaram,
Chennai - 600 060.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to demolish the wall arising in the middle of the 24 feet road in front of the petitioner property bearing Plot No.31, Devaki Nagar, Madhavaram Village.

For Petitioner : Mr.V.Manisekaran
For Respondents : Mr.P.V.Selvakumar

O R D E R

By consent, the main Writ Petition itself is taken up for final disposal. Heard Mr.V.Manisekaran, learned counsel for petitioner, Mr.P.V.Selvakumar, learned standing counsel for respondents.

2. Petitioner has filed the present writ petition seeking for issuance of a writ of mandamus directing the respondents to demolish the wall arising in the middle of the 24 feet road in front of the petitioner property bearing Plot No.31, Devaki Nagar, Madhavaram Village.

3. From the lay out plan which has been filed in page No.42 of the typed set of documents, it is seen that the petitioner has purchased the land in Survey No.1237 and the said land forms part of Devaki Nagar. Now the petitioner seeks for an entrance from the eastern side of her property into a 24 feet road which is the road provided by another approved lay out called Majestic Colony. Admittedly, the petitioner has not purchased any property in the Majestic Colony but she purchased property in Devaki Nagar. The layout plan filed in page No.42 of the typed set of documents is an approved plan. It does not show the road to go beyond a particular point. In fact, the road appears to serve as access for Plot Nos. 6 and 7 in the Majestic Colony. The petitioner now wants to take advantage of the fact that the rear of her property is on the boundary line of the Majestic Colony and seeks for opening to the 24 feet road. The dispute purely is civil in nature and the petitioner has no vested right to claim that she is entitled for an entrance in the eastern side of his property. Reliance placed on the information obtained under the Right to Information Act may not advance the case of the petitioner since the petitioner has to agitate her right against a private body which is the promoter of the approved lay out called Majestic Colony. It is not the case of the petitioner that she has no access to her property since her property forms part of another approved lay out. Therefore, having purchased a plot and in the fringe of the lay out, the petitioner is now trying to take advantage of a portion of the land shown as road in another layout. Therefore, a writ Court cannot issue a direction as sought for by the petitioner. If the petitioner claims any right over the 24 feet road based on the approved lay out, she has to approach the appropriate forum for appropriate relief.

The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

gm

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2.The Superintendent Engineer,
Corporation of Chennai,
Zone - 3,
Chennai - 600 060.

3.The Assistant Executive Engineer,
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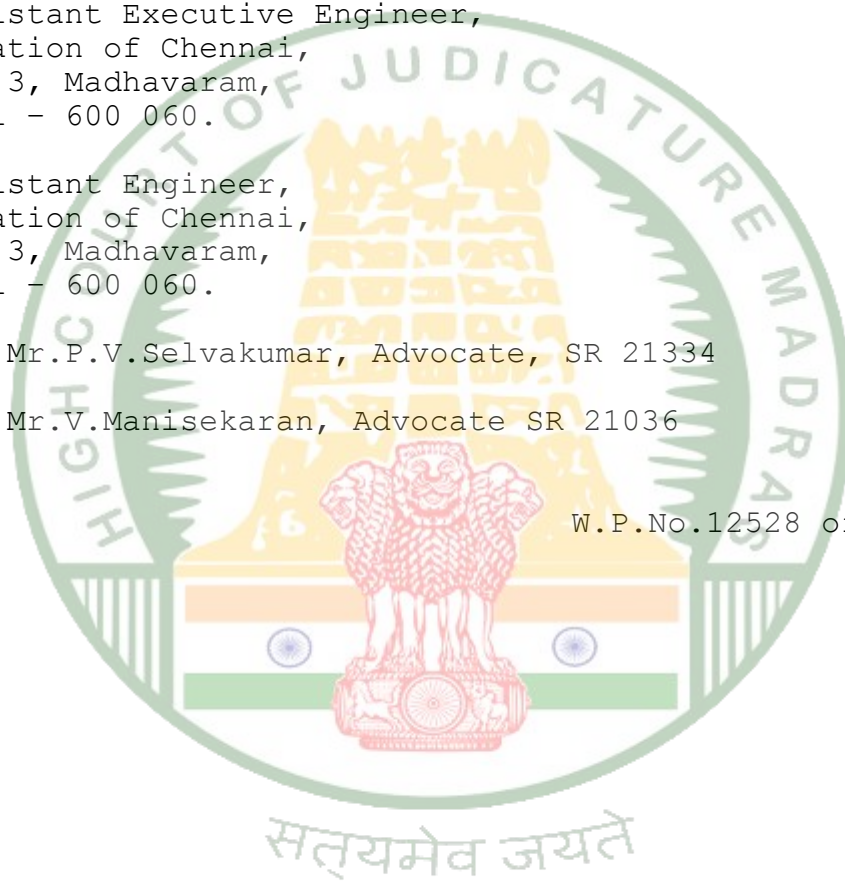
4.The Assistant Engineer,
Corporation of Chennai,
Zone - 3, Madhavaram,
Chennai - 600 060.

+ 1 cc to Mr.P.V.Selvakumar, Advocate, SR 21334

+ 1 cc to Mr.V.Manisekaran, Advocate SR 21036

skv(co)
prk20/4

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