

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.23187 of 2014

and

M.P.No.1 of 2014

G.Kannappan

.. Petitioner

-vs-

1.Government of Tamil Nadu,

rep. by its:

Municipal Administration Department,

Ezhilagam Annexe Building,

6<sup>th</sup> Floor, Chepauk,

Chennai-600 005.

2.The District Collector,

O/o. District Collector,

Kancheepuram District.

3.The Commissioner,

Sembakkam Municipality,

Chennai-600 073,

Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the third respondent to stop the erecting of wall with respect to the road which is called as "Bajanai Koil First Cross Street" situated parallel to the Velacherry Main Road and directing the first respondent to take appropriate action against the third respondent as required under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 for their unlawful construction in the road situated parallel to Velacherry Main Road.

For Petitioner : No Appearance

For Respondents : Mr.R.Vijayakumar  
Addl. G.P. for R1 & R2  
No Appearance for R3

## ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner is aggrieved by the Sembakkam Municipality/respondent No.3 constructing wall with respect to Bajanai Koil First Cross Street situated parallel to the Velacherry Main Road.

2. The counter-affidavit of the third respondent filed shows that the issue has been addressed as under:-

"7.Nevertheless after the present Writ Petition was filed with the various claims as set out therein, the issue was referred for the legal opinion and also the entire files and Survey and Town planning records were perused and it was found that the Town Panchayat having then not checked as to the genuineness of the depiction of the adjoining land as part of a street, had granted a building permission with the entrance on the said street. This issue was addressed to the revenue authorities. It was advised that on the South of the Playground enough gap for a pathway may be formed in order to enable the residents including the Petitioner to access their Property.

8.Therefore the issue was placed before the Municipal Council and the Sembakkam Municipal Council by resolution No.92, dated 24.11.2014 has resolved to leave a pathway of 15 feet width adjoining the petitioners' and other houses as an access to enable them to reach the adjoining Kalaivani Street and Bajanai Koil Street on the east and west of the Meikkal poramboke land and in turn lead to the Velacherry main road and also request the Revenue Department to make necessary entries for the land use in the revenue and Town Survey records as may be necessary in this regard by sending suitable proposals. Therefore, there is no cause of action for the Petitioner to maintain the present Writ Petition any further. The interest of the petitioner has been sufficiently protected by the said decision of the Sembakkam Municipal Council."

3. In view aforesaid, the grievance of the petitioner really does not survive and that may be the reason for the absence of any representation on the part of the petitioner.

4. The writ petition is dismissed as infructuous. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Municipal Administration Department,  
Ezhilagam Annexe Building,  
6<sup>th</sup> Floor, Chepauk,  
Chennai-600 005.
- 2.The District Collector,  
O/o. District Collector,  
Kancheepuram District.
- 3.The Commissioner,  
Sembakkam Municipality,  
Chennai-600 073,  
Kancheepuram District.

+1cc to the Government Pleader sr.63881  
+1cc to M/S.P.Srinivas, Advocate Sr.64582

सत्यमेव जयते

W.P.No.23187 of 2014

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srg 08/11/2016.

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