

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

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

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.593 of 2016

P.T.Ramakrishnan

... Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai-600 003.
2. The Member Secretary,
Chennai Metropolitan and Development Authority,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The District Revenue Officer/
Assistant Commissioner,
Corporation of Chennai, Zone-13,
Adyar, Chennai-600 020.
- 4.The Tahsildar,
Mambalam-Guindy Taluk Office,
Bharathidasan Salai,
K.K.Nagar, Chennai-600 078.
5. The Tahsildar,
Velachery Taluk Office,
100 Feet Road, Taramani,
Chennai-600 113.
6. Ramaraj

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 23.9.2014 and thereby directing the first respondent to keep and maintain the 50 feet 3rd Main Road, Velachery, Chennai-600 042 after surveying and measuring the road thereby removing all encroachments made therein, so as to enable the public to utilise the same free from encumbrance.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.K.Soundararajan for R1 & R3
Mr.N.Sampath for R2
Mr.STS.Moorthy
Government Pleader assisted by
Mr.V.R.Kamalanathan,
Additional Government Pleader &
Mr.V.Shanmugasundar
Government Advocate for R4 & R5

ORDER

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

The plea of the petitioner was that the land was acquired for extension of the road from 20 feet to 50 feet and despite that, now private respondent No.6 has encroached that area.

2. The report filed by respondent No.3 in paragraph 10 states as under:-

"10. I submit that to form a 50 feet road continuously, in continuation of the road as per the layout approved vide LPDM/110/64, the Government initiated proceedings to acquire the lands in Survey No.438/1 (Part) by issuing Notifications under Sec.4(1) of Land Acquisition Act published on 12.02.1975 vide G.O.Ms.No.64, Rural Development and Local Administration, dated 17th January, 1975. Subsequently, the Government has not proceeded with the Land Acquisition proceedings and, therefore, the said lands were not acquired by the Government for the purpose of laying the 50 feet wide Road. I submit that, in view of the above said facts, the Road is only 20 Feet wide and not encroached by the 6th Respondent as alleged by the petitioner."

3. The aforesaid, thus, shows that the land was actually never acquired and there cannot be any question of increasing the road width to 50 feet. That being the position, there is no encroachment by private respondent No.6 on the Government land.

4. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
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Chennai-600 078.
5. The Tahsildar,
Velachery Taluk Office,
100 Feet Road, Taramani,
Chennai-600 113.

+1cc to Mr.N.Sampath, Advocate, S.R.No.25950
+1cc to Mr.K.Soundararajan, Advocate, S.R.No.26554
+1cc to Mr.R.Munuswamy, Advocate, S.R.No.26160
+1cc to the Government Pleader, S.R.No.26028

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PA(CO)
CA(11/05/2016)

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