

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.06.2017
CORAM
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.16026 of 2017

C.Lilly

.. Petitioner

Vs.

- 1 The District Collector
Chennai District
Singaravelan Buildings
No.62, Rajaji Road
Chennai - 600 001.
- 2 The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.
- 3 The Zonal Officer
Zone-13, Chennai Corporation
IB Road, Adayar
Chennai - 600 020.
- 4 The Managing Director
Slum Clearance Board
No.5, Kamarajar Road
Triplicane, Chennai - 600 005.
- 5 The Assistant Area Engineer
Chennai Metro Water and Sewerage Board
Area 13, Sub Area Engineer
Office 37, Depot 178, Rajalakshmi Nagar
8th Cross street, Chennai - 600 042.
- 6 The Assistant Engineer
Electricity Board, 110/33/11 Sub Station
Velachery Main Road, Velachery
Chennai - 600 042.
- 7 The Thasildar
Velachery Taluk
Velachery, Chennai - 600 042.

8 The Commissioner of Police
Chennai City Police, Chennai.

9 The Estate Officer
Estate Office-VIII
Tamil Nadu Slum Clearance Board
83rd Street, Sivalingapuram
K.K.Nagar, Chennai - 600 078.

10 Lakshmi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 03.02.2017 and take action against the 10th respondent for removal of illegal construction and occupation of the house in the Dhrauvpathi Amman Koil 5th Street, Velachery, Chennai - 600 042.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for respondents 1, 7 and 8

Mr.V.C.Selvasekaran
for respondents 2 and 3

Mr.B.Kesavan
for respondents 4 and 9

ORDER

(Order of the Court was made by M.Sundar,J.)

The case of the writ petitioner herein is that she was allotted Plot No.347 in Dhrauvpathi Amman Koil 5th Street, Velacherry, Chennai - 600 042 by the Tamil Nadu Slum Clearance Board in July, 2007. It is the further case of the writ petitioner that she has put up a superstructure in the said plot and she is residing therein.

2. In the hearing before us, Mr.A.Ilaya Perumal, learned counsel appearing for the writ petitioner contends that the aforementioned plot is situate in Survey No.123/1 Part.

3. Be that as it may, it is the complaint of the writ petitioner that the tenth respondent (private respondent before

us) and some other residents have encroached upon the land abutting her aforementioned plot. According to the petitioner, such land abutting her aforementioned plot is public road. According to the learned counsel for the writ petitioner, this public road is also comprised in Survey No.123/1 Part.

4. The learned Additional Government Pleader accepts notice on behalf of respondents 1, 7 and 8. Mr.V.C.Selvasekaran, learned Standing Counsel accepts notice on behalf of respondents 2 and 3. Mr.B.Kesavan, learned Standing Counsel accepts notice on behalf of respondents 4 and 9.

5. The learned Additional Government Pleader has placed before us a communication dated 24.6.2017, being Lr.No.A1/3358/2017, from the jurisdictional Tahsildar (Velachery Taluk, Taramani) to him. In this letter, it has been stated that the land comprised in T.S.No.1/Part, Block No.80, Velachery Taluk, classified as Government Poramboke Eri, has been handed over to the Tamil Nadu Slum Clearance Board for its project Lakshmipuram Scheme and tenements have been constructed and handed over to the respective allottees, including the writ petitioner. We wonder how the land classified as Government Poramboke Eri can be handed over to the Tamil Nadu Slum Clearance Board for construction of tenements. However, we are not going into that aspect of the matter in the instant writ petition considering the nature of the writ petition and the prayer. We make it clear that this issue is left open and this order will not preclude anyone from raising this issue in a Court of law in a manner known to law in future.

6. However, the learned counsel for the writ petitioner would submit that the above does not include the public road comprised in the above said Survey No.123/1 Part.

7. Under the circumstances, we deem it appropriate to direct the seventh respondent before us to inspect the above said alleged encroachment in Survey No.123/1 Part in Dhrauvpathi Amman Koil 5th Street, Velacherry, Chennai - 600 042 within a fortnight, after putting the tenth respondent (private respondent) on notice. If any unauthorized construction as alleged is found, action in accordance with law shall be initiated by the official respondents for removal of the same. Such action shall also be preceded by notice to the tenth respondent (private respondent) and any other individual or entities, who are found to be in encroachment, and/or persons/entities whom the official respondents consider it necessary to be put on notice.

8. Though obvious, it is made clear that if in the outcome of the inspection it is noticed that the writ petitioner is also an encroacher, the writ petitioner will also be subjected to the

same action as other encroachers.

9. Post inspection if any action, as set out supra, becomes necessary, the same shall be commenced and concluded within two months from the date of inspection.

The writ petition is disposed of on the above said terms.
No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

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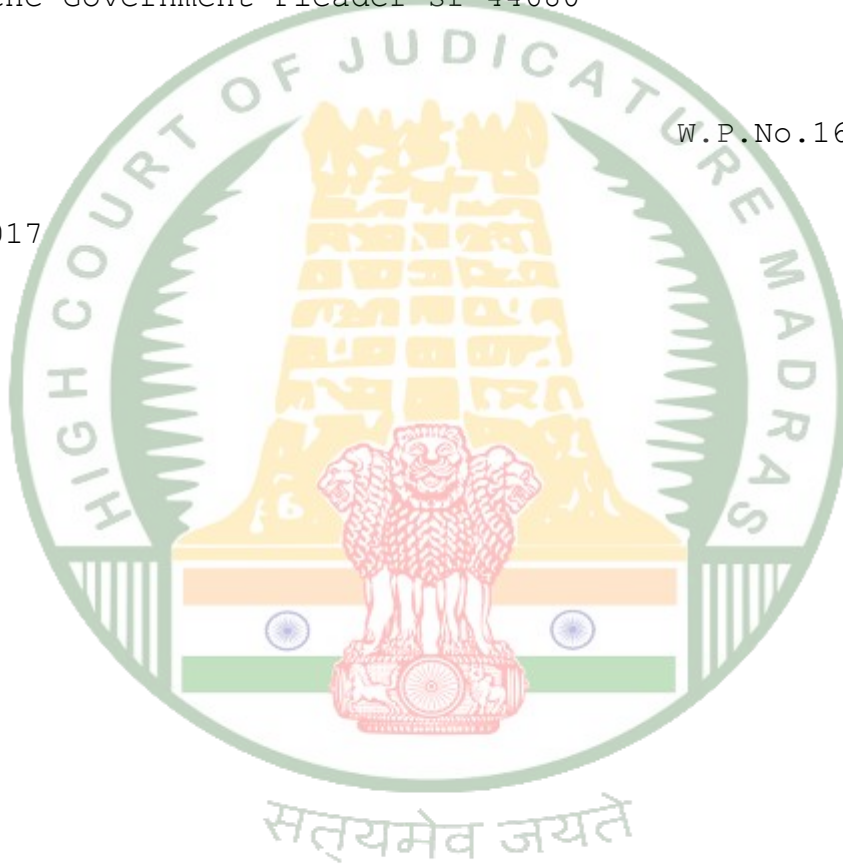
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+1 cc to M/s.A.Ilayaperumal Advocate sr 44553
+1 cc to M/s.B.Kesavan Advocate sr45013
+1 cc to the Government Pleader sr 44680

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