

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.9030 of 2018 and
W.M.P.Nos.10883 & 10884 of 2018 of 2018

N.Natarajan

.. Petitioner

v.

- 1 The Commissioner
Corporation of Chennai, Rippon Building
Chennai-600 003.
- 2 The Tahsildhar
Solinganallur Taluk Office, Solinganallur
Chennai.
- 3 The Assistant Engineer
Division No.196, Greater Chennai Corporation
Injambakkam Chennai-600 115.
- 4 The Inspector of Police (L&O)
J-8 Neelangarai Police Station
Neelangarai
Chennai-600 115.
- 5 Mrs.Suguna @ Adaikalamary

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 to 4 to clear all sort of encroachment and secure & protect the Government Public Road in Hanuman Colony, Selva Nagar Extension, Selva Nagar Main Road, Survey No.258/5 or in Survey No.258/5B1B from 5th respondent-encroacher.

For Petitioner : Mr.A.P.Suryaprakasam

For Respondents : Mr.K.Soundararajan -for R1 and R3

Mr.S.Kamalesh Kannan
Govt. Advocate - for R2 & R4

Mr.N.Selvaraju for R5

O R D E R

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

The petitioner has filed the above Writ Petition as Public Interest Litigation to issue a Writ of Mandamus directing the respondents 1 to 4 to clear all sort of encroachment and secure and protect the Government Public Road in Hanuman Colony, Selva Nagar Extension, Selva Nagar Main Road, Survey No.258/5 or in Survey No.258/5B1B from 5th respondent-encroacher.

2. The grievance of the petitioner is that the 5th respondent, who has no right whatsoever, has encroached upon the public road in Survey No.258/5B1B, Selva Nagar Extension, Injambakkam Village, Sholinganallur Taluk, Kancheepuram District and put up a temporary compound wall and also a shed and in this regard, representations were given to the concerned officials for taking appropriate action.

3. The 1st respondent filed a status report, wherein he has stated that the 2nd respondent had issued patta in the name of the 5th respondent in respect of Survey No.258/5B1B and therefore, the Corporation will not be in a position to act on the alleged encroachment made by the 5th respondent. Further, the 1st respondent has stated that the 5th respondent had made encroachment on the road, but, suppressing the fact, the 5th respondent had obtained patta in her name.

4. When it is the case of the 1st respondent that patta was issued in favour of the 5th respondent in respect of the road portion, the aggrieved party can file an appeal before the appellate authority seeking for cancellation of patta and take appropriate steps to remove the encroachment. Therefore, the aggrieved party can challenge the issuance of patta in favour of the 5th respondent before the appellate authority and the authorities can take appropriate steps to remove the encroachment, in accordance with law.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

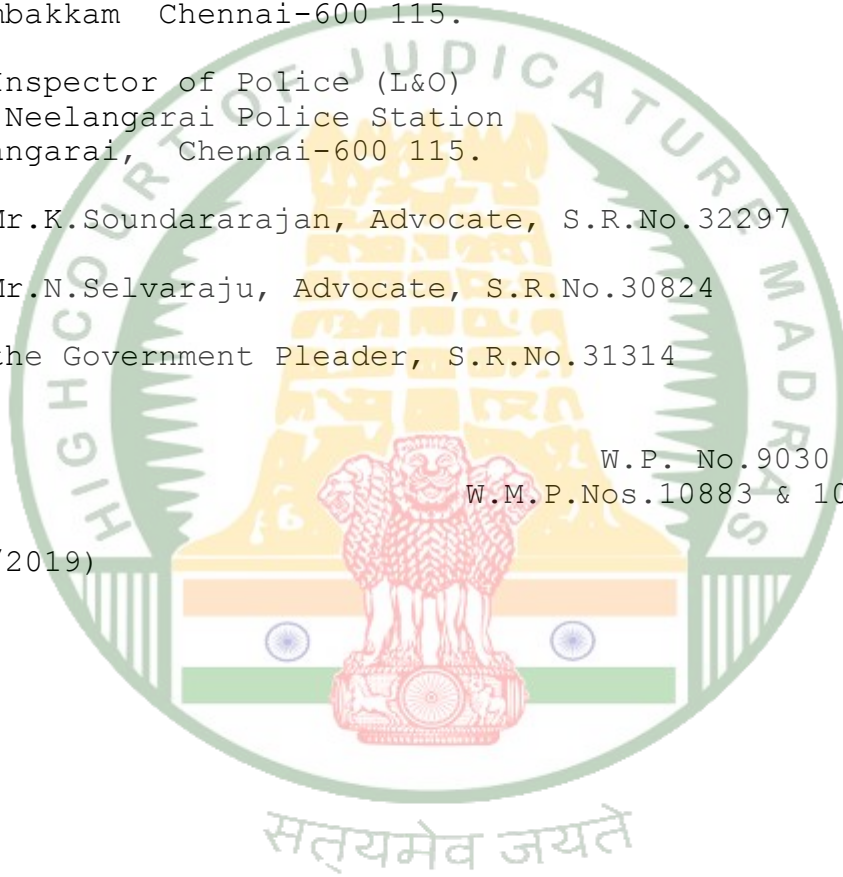
Rj

To

- 1 The Commissioner
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 - 3 The Assistant Engineer
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 - 4 The Inspector of Police (L&O)
J-8 Neelangerai Police Station
Neelangerai, Chennai-600 115.
- +1 cc to Mr.K.Soundararajan, Advocate, S.R.No.32297
- +1 cc to Mr.N.Selvaraju, Advocate, S.R.No.30824
- +1 cc to the Government Pleader, S.R.No.31314

GJ(CO)
SSM(23/04/2019)

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