

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.21837 of 2018 and
W.M.P.No.25608 of 2018

D.Ramesh Rajan

.. Petitioner

Vs.

1.The Regional Deputy Commissioner (North),
Corporation of Chennai,
North Chennai, 105, Basin Bridge Road,
Chennai - 600 079.

2.The Assistant Engineer,
Division 14,
Corporation of Chennai Zone,
947, T.H.Road,
Thiruvottiyur, Chennai - 19.

3.The Zonal Officer,
Greater Chennai Corporation,
947, T.H.Road,
Thiruvottiyur, Chennai - 19.

4.The Executive Engineer,
Greater Chennai Corporation,
947, T.H.Road,
Thiruvottiyur, Chennai - 19.

5.Breeze Avenue Residents Welfare Association
rep by its Secretary,
T.H.Road,
Thiruvottiyur, Chennai - 19.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 & 2 to remove the encroachment caused on the public road on the Northern side of the petitioner premises bearing New Door No.13, Old Door No.9, T.H.Road, Thiruvottiyur, Chennai - 19 as per the online complaints dated 19.03.2018 and 26.03.2018.

For Petitioner : Mrs.Thilagavathi, Senior Counsel
for Mr.R.Gopinath

For Respondents : Mr.Arunmozhi (R1 to R4)
R5 - not ready in notice

O R D E R

(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents 1 & 2 to remove the encroachment caused on the public road on the Northern side of the petitioner premises bearing New Door No.13, Old Door No.9, T.H.Road, Thiruvottiyur, Chennai - 19 as per the online complaints dated 19.03.2018 and 26.03.2018.

2.It is the case of the petitioner that he is the owner of the premises in Old Door No.9, New Door No.13, Thiruvottiyur High Road, Tollgate, Thiruvottiyur, Chennai and the premises is part and parcel of the larger extent of vacant land which was sub-divided into plots. According to the petitioner, a common passage measuring 18 feet wide was ear marked as road on the Northern side abetting his premises. Further, the petitioner contended that on 18.03.2018, an unauthorized and illegal compound wall was constructed abetting the compound wall of the petitioner premises on the Northern side, thereby causing interference with the access of the petitioner. In these circumstances, the petitioner lodged online complaints on 19.03.2018 and 26.03.2018, however, no action has been taken by the authorities so far.

3.The 4th respondent, the Executive Engineer, Greater Chennai Corporation filed a counter wherein it has been stated that the Surveyor, Thiruvottiyur Taluk had inspected the site in question and found that the larger extent of land in Survey No.220 stands in the name of Sundaram Ramani and the said land has been sub-divided and the alleged road in Survey No.220/1 stands in the name of V.S.K.Duraiswamy Nadar and the land comes under the classification as Street. Further, the 4th respondent has stated that since the land is a private street, the Greater Chennai Corporation is not the Competent Authority to take action in the private street.

4.When the 4th respondent as specifically stated that the compound wall has been put up in the private street, the remedy open to the petitioner is to approach the Civil Court and not by way of Writ Petition. Though the petitioner is contending that the street belongs to the Greater Chennai Corporation, when the

4th respondent himself is taking a stand that the street is a private street, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Regional Deputy Commissioner (North),
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Thiruvottiyur, Chennai - 19.
- 4.The Executive Engineer,
Greater Chennai Corporation,
947, T.H.Road,
Thiruvottiyur, Chennai - 19.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.16307
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.17227

W.P.No.21837 of 2018 and
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RV (CO)

RRS (05/04/2019)

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