

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.20004 of 2014

and

M.P. 1 of 2014

1. Ennore Foundaries Employees Union,
(Reg. No.3372/1962)
rep. by its Secretary N.Mohan,
having its office at
No.389, T.H.Road,
Thiruvotriyur, Chennai-19.
2. SCC Anthony Pillai Nagar Nala
Sangam (Regn. No.343/1997),
rep. by its Secretary S.Rajasekaran,
having its office at
No.389, T.H.Road,
Thiruvotriyur, Chennai-19.

... Petitioners

Vs.

- 1.The Tahsildar,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.
- 2.The Directorate of Town and
Country Planning,
rep. by its Assistant Director,
having its office at
No.807, Anna Salai,
Chennai-600 002.
- 3.The Taluk Surveyor,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.
- 4.The President,
Madambakkam Town Panchayat,
Madambakkam-603 202.

5. P.Vishnu Varadhan Reddy,
Managing Director,
Siva Vishnu Housing (P) Ltd.,
No.17, Dandapani Street,
T.Nagar, Chennai-17.

6. Ibrahim,
S/o. Hajee S.Rahamathullah,
No.1, 3rd Street, Nellikuppam
Road, Guduvancherry-603 202.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent and its subordinates including the 3rd respondent herein to survey and measure the 40 feet wide road situate in S.No.152/3A1B, Madambakkam Village, Sriperumbudur Taluk, Kancheepuram District with regard to the actual width of the 40 feet wide road available immediate north of Plot Nos.197, 198, 315 to 320 of SCC Anthony Pillai Nagar, Madambakkam Village in the presence of the representatives of the petitioners, 5th and 6th respondents.

For Petitioners : Mr.N.R.Anantha Ramakrishnan

For Respondents : Mr.I.Satish,
Addl. Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the 1st respondent to survey and measure the 40 ft wide road lies in S.No.152/3A1B, Madambakkam Village, Sriperumbudur Taluk, Kancheepuram District.

2. The grievance of the petitioners is that, the 5th respondent has promoted a layout, which was duly approved by the 2nd respondent, in which a 40 feet road was located to the North of Plot Nos.197, 198, 315 to 320, in SCC Anthony Pillai Nagar, Madambakkam, Sripermbudur Taluk, Kanchipuram District. The members of the petitioners association are using the said road without any let or hindrance. Now, the 6th respondent claiming right over the road, preventing the members of the petitioners association from using the road. Hence, they have filed an application before the 1st respondent to measure the road as per the approved layout, and also paid necessary fees for the same. But, so far, the 1st respondent did not survey the land. Hence, the present Writ Petition has been filed.

3. Earlier, notice ordered to 6th respondent, the notice returned with an endorsement 'unclaimed'.

4. The 2nd respondent has filed a counter affidavit stating that as per the approved layout, there is a 40 ft. road running to the north of Plot Nos.197, 198, 315 to 320 in SCC Anthony Pillai Nagar, Madambakkam Village, Sripermbudur Taluk, Kanchipuram District. The relevant portion of the counter affidavit reads as follows :-

"4. It is respectfully submitted that the 2nd respondent herein given an approval to the layout for the house plots was formulated by the 5th respondent under Phase I and Phase II in DTCP. Nos.423/1998 and 428/1998. The SCC Anthony Pillai Nagar Layout as approved in DTCP No.428 of 1998 and there is a 40 feet wide road running to West situate in S.No.152/3A1B and located to the North of Plot Nos.197, 198, 315 to 320. The claim of the petitioner to survey and measure the 40 feet wide road situated in S.No.152/3A1B Madambakkam Village, Sriperumbudur Taluk, Kancheepuram District with regard to the actual width of the 40 feet wide road available immediately North of Plot Nos.197, 198, 315 to 320 of SCC Anthony Pillai Nagar, Madambakkam Village is for the revenue department."

5. I have heard and considered the rival submissions made by the learned counsel appearing for the petitioners as well as the learned Addl. Government Pleader appearing for the respondents and perused the records carefully.

6. Considering the limited prayer sought in the Writ Petition, without going to the merits of the case, the respondents 1 and 3 are directed to survey the road as per the approved layout, on the North of Plot Nos.197, 198, 315 to 320 in SCC Anthony Pillai Nagar, Madambakkam Village, Sriperumbudur Taluk, Kanchipuram District after issuing notice to the petitioners and also to 6th respondent. The said exercise is directed to be completed within a period of six weeks from the date of receipt of the copy of this order. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition in M.P. No.1 of 2014 is closed.

Sd/-
Assistant Registrar(JJ Act)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.

2. Assistant Director,
The Directorate of Town and
Country Planning,
No.807, Anna Salai,
Chennai-600 002.

3. The Taluk Surveyor,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.

+lcc to Mr.N.R.Anantha Rama Krishnan, Advocate SR.96510

+lcc to the Government Pleader SR.96549

W.P. 20004 of 2014

VG-II(CO)
CB(12/02/2020)



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