

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.15563 of 2013
and
MP No.1 of 2013

A.Dhanalakshmi

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Petitioner

Vs

1. The Commissioner
Corporation of Chennai
Ribbon Building,
Chennai - 3.

2. The Collector of Chennai
Office of Collectorate,
Singaravelar Maligai,
Chennai.

3. The Zonal Officer,
Zone XIII,
Corporation of Chennai,
No.115, Dr. Muthu Lakshmi Road,
Adyar,
Chennai - 20.

4. The Deputy Director of Town Planning
District Town & Country Planning Authority,
No.3, Varadharajanar Street,
Vedachala Nagar,
Chengalpattu - 603 001.

5. V. Prasad Rao

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India directing the respondents 1 to 4 to relay the said road in the same position where it was previously laid, viz., at Bhuvaneswari Nagar, 3rd Cross Street, Velacherry, Chennai, based on the representation made by the petitioner on 22.06.2012.

For Petitioner : Mr.S. Natanarajan

For Respondents : Ms.Karthikaa Ashok
Standing Counsel for R1 & R3
Mr.R.S.Selvam
Government Advocate
for R2 and R4

ORDER

The main grievance of the petitioner in this writ petition is that the road laid by the first respondent violates the approved layout plan.

2. According to the petitioner, illegally a patta has been issued in favour of the 5th respondent for a portion of the road in the approved layout. Aggrieved by the same, this writ petition has been filed.

3. Heard Mr.S.Natanarajan, learned counsel for the petitioner, Ms.Karthikaa Ashok, learned Standing Counsel for the respondents 1 and 3 and Mr.R.S.Selvam, learned Government Advocate for respondents 2 and 4.

4. Admittedly patta for the property which is the subject matter of the dispute is now standing in the name of the 5th respondent. It is the contention of the petitioner that the said property is a part of the road as per the approved layout plan. However admittedly, till date no proceedings has been initiated by the petitioner to cancel the patta issued in the name of the 5th respondent as early as in the year 2012. Instead of initiating proceedings to cancel the patta in accordance with law, the petitioner has filed this writ petition.

5. The relief sought for in this writ petition is for a Mandamus to direct the respondents 1 to 4 to relay the 20 feet road in the same position, where it was previously laid viz., at Bhuvaneswari Nagar, 3rd Cross Street, Velacherry, Chennai, based on the representation made by the petitioner on 22.06.2012.

6. The relief sought for by the petitioner cannot be granted at this stage by this Court even without cancelling the patta which still stands in the name of the 5th respondent. The only remedy available to the petitioner is to seek for cancellation of patta standing in the name of the 5th respondent in accordance with law.

7. For the foregoing reasons, this Court disposes of this writ petition by granting liberty to the petitioner to approach

the concerned authority or approach the Civil Court for cancellation of the patta standing in the name of the 5th respondent with regard to his property at Bhuvaneswari Nagar, 3rd Cross Street, Velacherry, Chennai.

8. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
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Chennai - 3.

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District Town & Country Planning Authority,
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Chengalpattu - 603 001.

+1cc to the Government Pleader Sr.18227
+2cc to Mr.S.Natanarajan, Advocate Sr.17439

W.P. No.15563 of 2013

rsv[co]
srg 04/08/2020