

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN  
AND  
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.12407 of 2020

and

W.M.P.Nos.15296, 15299 & 15303 of 2020

Suresh Bohra

.... Petitioner

Vs.

- 1.The Commissioner,  
Greater Chennai Corporation,  
Rippon Building,  
Chennai - 600 003.
- 2.The Regional Deputy Commissioner,  
Greater Chennai Corporation,  
Regional Office - Central,  
2<sup>nd</sup> Cross Street (East),  
Pulla Avenue, Shenoy Nagar,  
Chennai - 600 030.
- 3.The Zonal Officer,  
Zone-VI,  
Greater Chennai Corporation,  
Ayanavaram, Chennai - 600 023.
- 4.The Assistant Engineer,  
Greater Chennai Corporation,  
Division-VI, Ward No.75,  
Venkatathiri Naicken Street,  
Kosapet, Chennai - 600 012.
- 5.The Tahsildar,  
Purasawalkam Taluk,  
No.3, Rajamuthiah Salai,  
(Near Nehru Stadium),  
Periamet,  
Chennai - 600 003.

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- 6.The Superintending Engineer,  
(Central/Chennai),  
Tamil Nadu Electricity Board, (TANGEDCO),  
M.G.R.Salai, Valluvar Kottam SS Campus,  
Nungambakkam, Chennai - 600 034.
- 7.The Assistant Engineer,  
(Operation & Maintenance) - Nammalwarpet,  
Tamil Nadu Electricity Board, (TANGEDCO),  
No.37, Medavakkam High Road,  
Kellys, (Opp. to Uma Complex),  
Chennai - 600 010.
- 8.The Superintending Engineer (Central),  
Chennai Metropolitan Water Supply & Sewerage Board,  
No.1, Pumping Station,  
Chintadripet, Chennai - 600 031.
- 9.The Area Engineer (VI),  
Chennai Metropolitan Water Supply & Sewerage Board,  
No.3, Vadivelu II Cross Street,  
Perambur, Chennai - 600 011.
- 10.The Assistant Engineer,  
Chennai Metropolitan Water Supply & Sewerage Board,  
DEPOT - 75,  
No.54, Venkatadri Street,  
Chennai - 600 007.
- 11.E.Karthick
- 12.E.Kathir ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment in the Corporation Land / Road (Splay) measuring Approximately 175 sq.ft. or thereabouts situated at Door No.79/1 Padavattamman Koil Street, (Pudu Street - Kosapet Market Junction) Kosapet, Chennai 600 012 located in Zone-VI, Ward No.75 of Greater Chennai Corporation limits and further to direct the respondents 1 to 5 to maintain the corporation Land as a Splay / Vacant Site as per the Revenue Records without any encroachments in future.

For Petitioner : Mr.S.L.Sudarsanam

For R1 to R4 : Mr.M.Ganeshan  
Standing Counsel

For R5 : Mr.M.Elumalai  
Additional Government Pleader

For R8 to R10 : Mr.P.K.Panneer Selvam

For R11 and R12: Mr.S.Rajesh  
for M/s.R.Rajilasree

O R D E R

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

The petitioner is the resident of Old No.79, New No.44, Padavattamman Koil Street, Kosapet, Chennai - 600 012, and according to him, he is the absolute owner of the property bearing Old No.15/2, New No.20, Pudu Street, (Market Street), Kosapet, Chennai - 600 012, admeasuring an extent of 813.6 sq.ft., consisting of Ground, First, Second and Third Floors, which is facing Pudu Street on southern side, as well as the premises bearing Old No.79, New No.44, Padavattamman Koil Street, admeasuring 1400 sq.ft. consisting of Ground, First and Second Floors, which is facing eastern side of the said road, and he claims to be in absolute possession and enjoyment of the same and the said properties are also subject to statutory levies.

2.It is the specific case of the petitioner that, on the northern side of his property, there is a land belongs to the Corporation of Chennai as Splay, and the respondents 11 and 12 had encroached upon and put up tiled roof and constructed a wall and are using the Corporation road, Splay as Door No.79/1, Padavattamman Koil Street, Kosapet, Chennai - 600 012, for residential purposes. The petitioner, in this regard, has also sent legal notices dated 16.07.2020 and 24.07.2020 to the concerned official respondents for taking appropriate action. Despite receipt and acknowledgment of the same, no action whatsoever has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3.Mr.M.Ganesh, learned Standing Counsel, takes notice on behalf of the respondents 1 to 4, and would submit that, on receipt of the legal notices sent on behalf of the petitioners, survey and inspection was caused with the help of 5<sup>th</sup> respondent and depending on the report of the survey and inspection, appropriate action will be taken against the persons concerned.

4.Learned counsel appearing for the respondents 11 and 12, on instructions, would submit that the respondents 11 and 12 are in possession of the land in question for four decades and put

up a small structure and using for residential purposes and he further adds that the petitioner is also guilty of encroaching upon the public road and also putting up unauthorised construction.

5.This Court carefully considered the rival submissions and perused the materials placed.

6.Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, without going into the merits of the case as projected by the petitioner either in this writ petition or in the legal notices, directs the 4<sup>th</sup> respondent to cause inspection of the aforesaid two premises of the petitioner as well as the premises of the respondents 11 and 12 with the help of concerned revenue records, including the report of the 5<sup>th</sup> respondent, and if any encroachment or unauthorised/violated/illegal construction is noted, the 4<sup>th</sup> respondent is at liberty to take immediate, necessary and appropriate action in accordance with law, also by adhering to the principles of natural justice, and shall complete the exercise within a period of ten weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner as well as to the respondents 11 and 12.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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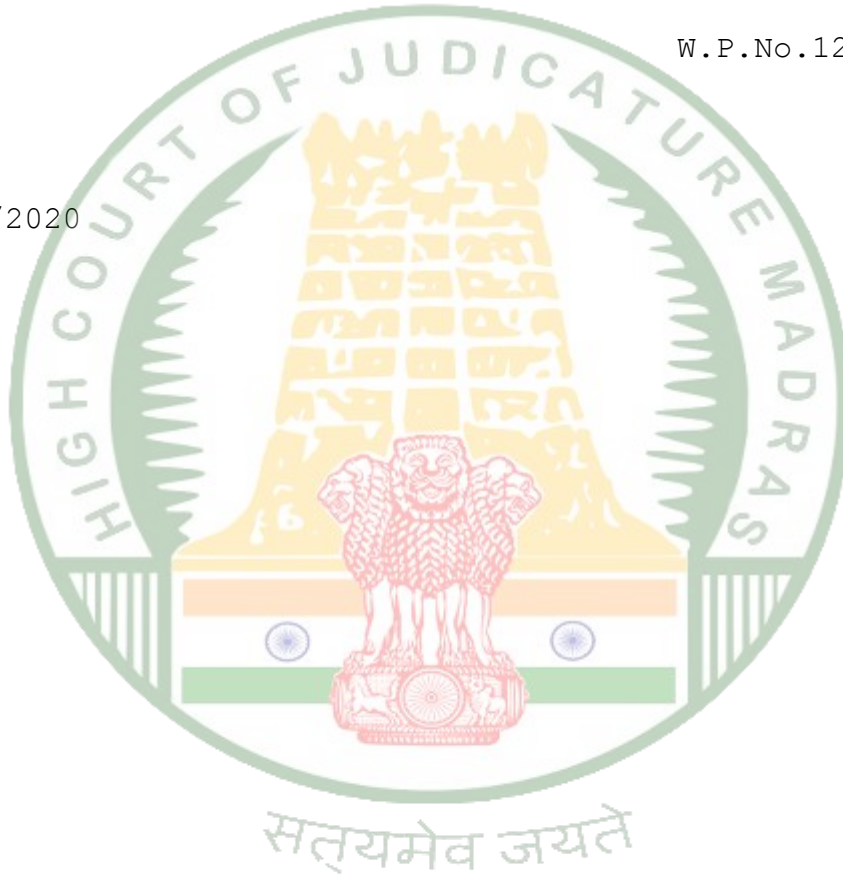
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DEPOT - 75,  
No.54, Venkatadri Street,  
Chennai - 600 007.

+1cc to the Government Pleader Sr.36065  
+2cc to M/s.S.L.Sudarsanam, Advocate Sr.35834  
+1cc to Mr.M.Ganesan, Advocate Sr.35844

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