



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

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CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1224 of 2016
and WMP.No.961 of 2016

Mr.K.G.Mahan

... Petitioner

vs.

1.Corporation of Chennai rep. By
its Commissioner, Rippon Buildings,
Chennai-600 003.

2.The Assistant Commissioner,
Corporation of Chennai, Zone XV,
Zonal Office No.120,
Rajiv Gandhi Salai, Sholinganallur,
Chennai-600 119.

3.The Executive Engineer,
Corporation of Chennai, Zone XV,
Zonal Office No.120,
Rajiv Gandhi Salai, Sholinganallur,
Chennai-600 119.

4.The Assistant Executive Engineer,
Corporation of Chennai, Zone XV,
Zonal Office No.120,
Rajiv Gandhi Salai, Sholinganallur,
Chennai-600 119.

5.The Assistant Engineer,
Corporation of Chennai, Zone XV,
Zonal Office No.120,
Rajiv Gandhi Salai, Sholinganallur,
Chennai-600 119.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 2 to 5 herein from initiating any further proceedings in the form of laying roads in the private patta land situated at Karapakkam Village, Sholinganallur Taluk,



Kancheepuram District, comprised in Survey No.107/1A, then Survey No.107/1A1A as per Patta, bearing Patta No.275, measuring an extent of 16 cents or thereabouts, belonging to the petitioner.

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For Petitioner : Mr.K.V.Babu

For Respondents: Mr.M.Ganesan,
Standing Counsel for Corporation of Chennai

O R D E R

The dispute involved in this writ petition is with regard to the land and property comprised in S.No.107/1A1A, Karapakkam Village, Sholinganallur Taluk, Kancheepuram District, admeasuring an extent of 16 cents, which belongs to the petitioner. According to the petitioner, the respondent / Corporation is trying to interfere with the petitioner's property and making an attempt to lay road and therefore, he has filed the present writ petition.

2. Mr.M.Ganesan, learned Standing Counsel appearing for the respondents/Corporation has drawn the attention of this Court to para 9 of the counter affidavit filed by the second respondent wherein it has been stated that the petitioner had altered the fencing from the original position to a position abutting his property and he had also orally conceded to lay cement concrete road in the disputed part and accepted to treat the same as public road.

3. However, the said fact was denied by the learned counsel appearing for the petitioner.

4. These disputed question of facts cannot be gone into by this Court and the parties shall agitate the same before the appropriate forum.

5. With the consent of the learned counsel appearing for the parties, this Court directs that the respondents/Corporation along with the petitioner shall inspect the disputed property along with relevant revenue as well as corporation records and ascertain whether the disputed property belongs to the petitioner or to the Corporation of Chennai. If the inspection reveals that the disputed property belongs to the petitioner, the respondent shall take further decision for payment of compensation to the petitioner and however, if the disputed property belongs to the Corporation, the petitioner cannot claim any legal right over the property and if any parties are having



dispute, they can seek their remedy before appropriate forum. The respective learned counsel appearing for the parties also agreed for the same. The aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order and the petitioner shall also cooperate with the respondents for inspection of the disputed property.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Jvm

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
- 2.The Assistant Commissioner,
Corporation of Chennai, Zone XV,
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Chennai-600 119.

+1cc to Mr.K.V.Babu, Advocate Sr.31144

W.P.No.1224 of 2016

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srg 22/07/2021