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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19011 of 2011

and

M.P.No.1of 2011

T.G.Saravanan

... Petitioner

Vs

1. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
"Thalamuthu Natarajan Building"
No.1, Gandhi Irrish Road,
Egmore,
Chennai - 600 008.
2. The District Collector,
Kanchipuram District,
Kanchipuram.
3. The Commissioner,
Tambaram Municipality,
Tambaram, Chennai - 600 043.
4. The Tahshildar,
Tambaram Taluk,
Tambaram, Chennai - 600 043.
5. Pace Builders (Madras) Pvt. Ltd,
Rep by its Managing Director, M.Krishnakumar,
B-58, Anna Nagar East,
Chennai - 600 102.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 to 4, their men and agents from converting the road in S.No.57B, Selaiyur Village No. 173, Tambaram Taluk, Kancheepuram District by putting up any construction or otherwise.



For Petitioner :Mr.P.Valliappan

For Respondents:Mr.C.Jayaprakash

Government Advocate

[For R1, R2 and R4]

Mr.P.Srinivas

[For R3]

Mr.N.Baskaran

[For R5]

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ORDER

The learned Government Advocate appearing on behalf of the respondents made a submission that the Tahsildar, Tambaram Taluk, provided an instruction through Whats app message stating that the subject land is used as the road for the public usage. It is stated that the road is being used by the general public and therefore the apprehension raised by the petitioner are incorrect.

2. The learned counsel for the petitioner states that as per the revenue records, it was classified as Vandipattai and No Objection Certificate was issued by the Tahsildar on 27.10.2006 itself, which would reveal that the said portion of the land in Survey No.57B, Selaiyur Village No.173, Tambaram Taluk, Kancheepuram District, shall be used as road on certain conditions. Based on the said certificate, the learned counsel for the petitioner reiterated that, the said road cannot be converted or allowed to be encroached by any other person.

3. This Court of the considered opinion that once the subject land is classified as Vandipattai and as per the submission of the learned Government Advocate, the said land is being utilised as public road as of now. It is the duty of the respondents to maintain the said road as the public road for the purpose of usage of general public and the authorities must ensure that the public roads are not encroached upon or abused or misused by any other persons.

4. The learned counsel for the 5th respondent made a submission that now the said road is being maintained as 60 feet road for the usage of public at large and the said road is to be maintained as it is in the interest of public.



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5. With these observations the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

nti/vs

To

1. The Secretary,
Chennai Metropolitan Development Authority,
"Thalamuthu Natarajan Building"
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Egmore, Chennai - 600 008.
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Kancheepuram.
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Tambaram Municipality,
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4. The Tahshildar,
Tambaram Taluk,
Tambaram, Chennai - 600 043.

+1cc to M/s.P.Valliappan, Advocate Sr.59378
+1cc to Mr.N.Baskaran, Advocate Sr.59608

W.P.No.19011 of 2011
and
M.P.No.1 of 2011

kg[co]
srg 29/11/2021