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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.6.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.4038 OF 2021,
W.M.P.NO.4611 AND 4664 OF 2021

1. D.Sridhar
S/o.G.Dhanajeyan
No.41, Mohanapuri 2nd Street,
Adhambakkam, Chennai - 600 088.
All are Rep. by their Power Agent
M.Arunagiri S/o.Murugesan
2. K.kannabiran
S/o.Kuppusamy,
Manjambakkam, Kamarajar Salai,
Ambattur Chennai - 600060. All are Rep. by
their Power Agent M.Arunagiri S/o.Murugesan
No.568, John Vic
- 3 R.Devi
W/o.Ravikumar,
No.4/51, Ellai Amman Koil Street,
Mankambakkam Village,
Chennai - 600060.

... Petitioners

(All are rep by their Power Agent
M.Arunagiri S/o.Murugesan)

Vs.

1. The District Collector of Tiruvallur,
Office of District Collector,
Master Plan Complex,
Tiruvallur District - 602 001.
2. The Commissioner
Corporation of Greater Chennai,
Ribbon Building,
Chennai - 600 003.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore Chennai - 600 008.



4. The Zonal Engineer,
Zone II Corporation of Greater Chennai,
No.112, Dr.Ambedkar Street,
Manali, Chennai - 600 109.

5. The Tahsildhar,
Madhavaram Taluk, Gandhi Main Road,
Balaji Nagar,
Madhavaram, Chennai - 600 066.

6. P.Isaac Livingstone ... Respondents

(6th respondent impleaded as party in the writ petition vide
order, dated 23.6.2021)

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from laying the road in private Properties comprised in survey Nos.41/1A 41/2A 36/1 and 8/1A situated at Thiruvallur District Madhavaram Taluk Manjambakkam Village.

For Petitioner : Mr.A.R.L.Sundaresan,
Sr. Counsel for Mr.R.Muthukumar

For Respondents 1 & 5 : Mr.M.R.Gokulkrishnan, G.A.

For Respondent No.3 : Mr.Karthikrajan

For Respondents 2 & 4 : M/s.P.T.Ramadevi
for Mr.Raghul Adithya

For Respondent No.6 : Mr.P.T.Perumal

O R D E R

According to the petitioners, the subject matter of the properties are private properties and there is no public pathway existing and the petitioners have not gifted the land in Survey Nos.41/1A, 41/2A, 36/1 and 8/1A to the Government for formation of street and the Government or Corporation also not acquired the land in Survey Nos.41/1A, 41/2A, 36/1 and 8/1A for formation of street. The petitioners' adjacent landowner has stated that he obtained planning permission from the third respondent and constructed school in his properties. There is no road in the properties of the 6th respondent. At the instance of the



6th respondent, the respondent 3 and 4 are attempting to lay road in the private properties comprised in Survey Nos.41/1A, 41/2A, 36/1 and 8/1A. Therefore, the petitioners made representation to the respondents on 1.2.2021 and the said representation is still pending before the respondents.

2. This Court while ordering notice to the official respondents, granted interim injunction on 19.2.2021.

3. The learned counsel appearing for both official as well as private respondents would submit that the relief as sought for in the writ petition is only limited scope to consider the representation and pass orders. The learned counsel appearing for the 6th respondent fairly submitted that the representation of the petitioner may be considered by the authorities and opportunity shall also be granted to the 6th respondent.

4. In view of the aforesaid submission and the scope of the prayer is limited, without expressing any opinion on merit, this Court is inclined to direct the 4th respondent to consider the petitioner's representation, dated 1.2.2021 on merit and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The interim injunction already granted by this Court would continue in force for further period of four weeks.

5. The writ petition is disposed of with the above directions. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector of Tiruvallur,
Office of District Collector,
Master Plan Complex,
Tiruvallur District - 602 001.
2. The Commissioner,
Corporation of Greater Chennai,
Ribbon Building,
Chennai - 600 003.



3. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
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4. The Zonal Engineer,
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Manali, Chennai - 600 109.
5. The Tahsildhar,
Madhavaram Taluk,
Gandhi Main Road,
Balaji Nagar, Madhavaram,
Chennai - 600 066.

+1cc to Mr.P.T.Perumal, Advocate, S.R.No.29273
+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.29089

W.P.NO.4038 OF 2021, W.M.P.NO4611
AND 4664 OF 2021

LN(CO)
PBS/18/08/2021