



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.09.2021
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34825 of 2013
and M.P.No. 1 of 2013

K.Saraswathi

... Petitioner

Vs

1. The Government of Tamil Nadu
represented by
The Principal Secretary to the Government,
Department of Highways,
Fort St. George, Chennai.
2. The District Collector,
Kancheepuram,
Kancheepuram District.
3. The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.
4. The Chief Engineer(H), Projects,
2D, Panagal Building, No.1, Jeenis Road,
Saidapet, Chennai - 600 015. ... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of MANDAMUS forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's property situated at Velachery Main Road, Santhosapuram, Chennai - 600 073, comprised in S.No.75/2 and S.No.75/47 as per Patta bearing ***No.1228**, Vengaivasal Village, Sholinganallur Taluk, Kancheepuram District, measuring an extent of 7 $\frac{1}{4}$ Cents together with building existing thereon either by demolition or in any manner whatsoever except by due process of law.
(*Amended as per order dated 20.04.2016
in WMP.NO.7494/2016 in WP.34825/13)

For Petitioner : No appearance
For Respondents : Mr. M.R. Gokul Krishnan,
Government Advocate



O R D E R

This writ petition has been filed to issue a Writ of MANDAMUS forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's property situated at Velachery Main Road, Santhosapuram, Chennai - 600 073, comprised in S.No.75/2 and S.No.75/47 as per Patta bearing No.1228, Vengaivasal Village, Sholinganallur Taluk, Kancheepuram District, measuring an extent of 7 $\frac{1}{4}$ Cents together with building existing thereon either by demolition or in any manner whatsoever except by due process of law.

2. The case of the petitioner is that she owned property comprised in Survey Nos.75/2, 75/47 situated at Velachery Main Road, Santhosapuram, Chennai admeasuring 7-1/4 cents. She was also issued patta bearing No.1228 from the authorities concerned. The petitioner had put up construction and also obtained Electricity Service Connection. The said property is also assessed to property tax and she is paying property tax regularly without fail.

3. While being so, the first respondent is carrying on road expansion of Velachery Main Road in Santhosapuram Area where the property of the petitioner is situated. The said process, the fourth respondent is demolishing all superstructures erected on Highways Poramboke Land. Therefore, the petitioner approached the fourth respondent, whether they proposed to demolish all the structures abutting the Velachery Main Road and replied that they will demolish the structures including the petitioner's property to facilitate the road expansion.

4. Though the petitioner explained to the fourth respondent that the said structure put up by her as per the plan and she was also issued patta on the strength of the sale deed dated 07.05.1990, the respondents are proceeding with demolition activities. Therefore, the petitioner filed this writ petition forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's property.

5. The fourth respondent filed counter and revealed that due process of law has been followed and markings have been already made for demolishing the superstructure put up by the petitioner by encroaching the Highways land. That apart, the petitioner had encroached upon the land belonging to the Highways Department while put up the construction and the building had also encroached upon the land as per the CMDA norms and without leaving space for street alignment and set back distance. The portion of the building has been constructed in the land belonging to Highways Department and it is sought to be demolished for the purpose of road expansion.



6. Therefore, the respondents are directed to follow the due process of law and take action as against the construction put up by the petitioner in accordance with law.

7. Accordingly, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rna/rgi
To

1. The Principal Secretary to the Government,
Department of Highways,
Fort St. George, Chennai.
 2. The District Collector,
Kancheepuram,
Kancheepuram District.
 3. The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.
 4. The Chief Engineer(H), Projects,
2D, Panagal Building, No.1, Jeenis Road,
Saidapet, Chennai - 600 015.
- +1 cc to Government Pleader Sr.NO. 48512

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PA (CO)
A.SK(13.10.2021)