



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 6268 of 2015
and
M.P.No.1 of 2015

Smt.A.P.Nesamani

... Petitioner

Vs

- 1.The State Industries Promotion Corporation of Tamil Nadu Limited,
Represented by its Managing Director,
No. 19A, Rukmani Lakshmipathy Salai,
Egmore,
Chennai- 600 008.
2. The Project Officer,
SIPCOT Information Technology Park,
Padur Post,
Siruseri, Thiruporur Taluk,
Kancheepuram District- 603 103.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to take appropriate action to remove the obstruction, caused by the construction of storm water drainage, adjoining the petitioner property in Survey Nos. 109/1, 109/3 and 110 in Kazhipattur village, Thiruporur Taluk, Kancheepuram District.

For Petitioner	: Mr.J.Raja Rao
For Respondent	: Mrs.Sudharshana Sundar
	[For SIPCOT]
	[For R1 and R2]

O R D E R

The relief sought for in the present writ petition is to direct the the respondents to take appropriate action to remove the obstruction, caused by the construction of storm water drainage, adjoining the petitioner property in survey nos. 109/1, 109/3 and 110 in Kazhipattur village, Thiruporur Taluk, Kancheepuram District.



2. The learned counsel appearing on behalf of the second respondent made a submission that the storm water drainage as already been constructed and in usage. No doubt, due to such constructions, the level of road is raised and the respondents have provided an option to the petitioner to increase the height of the land, if the petitioner is ready to bear the expenses.

3. However the petitioner had not accepted for the same. Under these circumstances, whenever the road level is raised on account of certain development, then the owners of the property has to raise the level of their own land. Contrarily, such land owner cannot seek relief against the Government for removal of storm water drainage or to do any other thing with the public roads. Thus, the storm water drainage are laid for the benefit of the people at large. It is in public interest. Thus, the same will prevail over the private interest and the rights of the individuals have been affected.

4. Thus, the petitioner is at liberty to raise his own lands equal to that of the public road for peaceful usage. Contrarily, she cannot seek any direction for demolition of the storm water drainage or to alter the public facilities provided.

5. With these observations the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Managing Director,
State Industries Promotion
Corporation of Tamil Nadu Limited,
No. 19A, Rukmani Lakshmipathy Salai,
Egmore,
Chennai- 600 008.

2. The Project Officer,
SIPCOT Information Technology Park,
Padur Post,
Siruseri,
Thiruporur Taluk,
Kancheepuram District- 603 103.

+1 cc to Mrs.Sudharshana Sundar, Advocate Sr.NO. 50357

W.P.No. 6268 of 2015

A.SK(12.10.2021)