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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP NO.14365 OF 2021

&

W.M.P. NO. 15272 OF 2021

J.Renuka Devi

...Petitioner

-Vs-

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore Chennai-600 008.

2. The Chief Administrative Officer,
Koyambedu Market Management Committee,
Koyambedu,
Chennai-600 107.

...Respondents

Prayer :- Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to maintain the southern side Boundary of petitioner Godown as Service Road/ Street and A road KWMC as per the schedule of the Sale Deed vide Registered Document No. 619 of 2017 dated 19.02.2007 on file of SRO Anna Nagar executed by the 1st respondent in favour of the petitioner.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.S.Thiruvengadam
Standing counsel for R1

Mr. M.Velmurugan
Standing counsel for R2.



O R D E R

This writ petition has been filed for the writ of Mandamus forbearing the second respondent from in any way changing the character of the service road, which is the access to the petitioner to reach her godown situated at Koyambedu market.

2. The case of the petitioner is that she made an application before the first respondent for allotment of the godown in the year 2006 and pursuant to the same, an allotment order was issued in favour of the petitioner and the godown was also handed over to the petitioner on 06.04.2006.

3. The further case of the petitioner is that she has been storing vegetables in the said godown and a license has also been issued in her favour. According to the petitioner, she had paid the entire sale consideration and registered sale deed was also executed in her favour on 19.02.2007 in document No. 619 of 2007.

4. The petitioner has stated that even in the sale deed that was executed in her favour, the southern side of the godown is clearly marked as service road / street and "A" Road of KWMC. The grievance of the petitioner is that this service road is the only access to the godown and that is now sought to be disturbed by the second respondent by changing its character. Aggrieved by the same the present writ petition has been filed before this court.

5. The learned standing counsel appearing on behalf of the CMDA submitted that the topography of the entire place cannot be changed without the concurrence of CMDA. The learned counsel submitted that if the service road is provided, it will continue to remain as a service road and its character cannot be changed.

6. The learned counsel appearing on behalf of the second respondent submitted that the present writ petition has been filed merely on the basis of apprehension and no such attempt was made by the second respondent to convert the service road and change its character.

7. Taking into consideration the facts and circumstances of the case and the submissions made on the side of the respondents, it is made clear that the service road/ street and "A" Road of KWMC shall be maintained as it is without changing its character. This clarity given by this Court will sufficiently safeguard the rights of the petitioner while accessing the godown through the service road.



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8. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

sha/rka

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore Chennai-600 008.
2. The Chief Administrative Officer,
Koyambedu Market Management Committee,
Koyambedu,
Chennai-600 107.

+1cc to Mr.M.Raja Sekhar, Advocate, S.R.No.45719

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.45621

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PMK(CO)
RLP(24/09/2021)