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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.14497 of 2021

R.Varuvel

...Petitioner

Vs.

- 1.The District Collector,
Chennai District,
Chennai - 600 001.
- 2.The Commissioner,
The Greater Chennai Corporation,
Ribbon Buildings, Chennai - 600 003.
- 3.The Thasildar,
Maduravoyal Taluk,
Nolambur, Chennai - 600 095.
- 4.The Assistant Commissioner,
The Greater Chennai Corporation,
Valasaravakkam Zone,
Arcot Road, Valasaravakkam,
Chennai - 600 087.
- 5.R.Angusamy
- 6.K.Sakkarapani
- 7.Sekar
- 8.Muthammal
- 9.The Executive Engineer, Zone-11,
Greater Chennai Corporation,
Chennai.
(R9 suo-motu impleaded vide order
dated 15.07.2021)

...Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Mandamus to direct the respondents 1 to 4 to remove the



encroachments made in the public roads in Patel Road and Thiruvalluvar Street adjacent to the Plot No.13 in Nesammal Nagar Annex, Nerkundram, Chennai - 600 107 by considering the petitioner's representation dated 29.06.2021 within a time frame fixed by this Court.

For petitioner : Ms.Pravin Banu

For respondents : Mr.T.N.C. Kaushik
Govt. Counsel (for R1 & R3)

Mr.R.Gobinath
Standing Counsel (for R2, R4 & R9)

Mr.S.Sundaramoorthy (for R5 to R8)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachments made in the public roads in Patel Road and Thiruvalluvar Street adjacent to the Plot No.13 in Nesammal Nagar Annex, Nerkundram, Chennai - 600 107 by considering the petitioner's representation dated 29.06.2021.

2.The petitioner would claim that he has become absolute owner of the property in plot No.13 in S.No.283/2 at Nesammal Nagar Annex, Nerkundram, Chennai, by virtue of a sale deed dated 21.01.2004. It is further stated that the respondents 5 to 8 have encroached on the road portion reducing the width of the road. In this regard, he sent a representation dated 29.06.2021 seeking removal of the encroachment in the public road, but it was not considered.

3.The learned counsel appearing for the respondents 1 and 2 would state that after receiving the representation from the petitioner, a communication has been sent to the Tahsildar, Maduravoyal Taluk to earmark the boundaries of the road and also mark any encroachments in the road portion. On the basis of the report of the Tahsildar, the third respondent, appropriate action would be taken.

4.The learned counsel appearing for the respondents 5 to 8 would state that the private respondents have been permitted to occupy the land by the Slum Clearance Board in the year 1988 and in the year 1997, they were also provided Electricity Service connection. It is the submission of the learned counsel that the land under the occupation of the private respondents belongs



to the Slum Clearance Board, but the Slum Clearance Board is not made as a party in the writ petition. It is next contended that though the petitioner purchased the land in the year 2004, he did not make any complaint at that point of time, only when he attempted to open wine shop in that place, the same was objected by the local people. Hence, he has now made this complaint to the official respondents with an ulterior motive.

5. In the light of the above facts and considering the limited scope of the prayer sought for in this writ petition, this Writ Petition is disposed of directing the respondents 1 and 2 to take appropriate action on the basis of the representation of the petitioner, dated 29.06.2021, in accordance with law. The respondents 1 and 2 shall issue notice to the Slum Clearance Board and after affording opportunity of personal hearing to all necessary parties, shall pass orders within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skn
To

1. The District Collector,
Chennai District,
Chennai - 600 001.
2. The Commissioner,
The Greater Chennai Corporation,
Ribbon Buildings,
Chennai - 600 003.
3. The Thasildar,
Maduravoyal Taluk,
Nolambur,
Chennai - 600 095.
4. The Assistant Commissioner,
The Greater Chennai Corporation,
Valasaravakkam Zone,
Arcot Road, Valasaravakkam,
Chennai - 600 087.



5.The Executive Engineer, Zone-11,
Greater Chennai Corporation,
Chennai.

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+1cc to M/s.L.Parvin Babu, Advocate Sr.46760
+1cc to Mr.E.Senthilnathan, Advocate Sr.47164
+1cc to the Government pleader Sr.47186
+1cc to Mr.R.Gopinath, Advocate Sr.46720

W.P.No.14497 of 2021

sj[col
srg 06/10/2021