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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE,CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14605 of 2021

S.Raja

...Petitioner

-vs-

- 1 The State of Tamil Nadu
Represented by its Additional Chief
Secretary to Government, Revenue and
Disaster Management Department, Secretariat,
Fort St. George, Chennai 600 009.
- 2 The State of Tamil Nadu,
Represented by its Secretary to Government,
Social Welfare and Nutritious Meal Programme
Department, Secretariat, Fort St. George,
Chennai 600 009.
- 3 The Commissioner of Land Administration,
2nd Floor, Ezhilagam, Chepauk,
Chennai 600 005.
- 4 The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.
- 5 The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, 10th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai 600002.
- 6 The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
No.1, Pumping
Station Road, Chintadripet, Chennai 600002.



- 7 The District Collector,
Singaravelar Maligai, No.62, Rajaji Salai,
Chennai 600 001.
- 8 The Zonal Officer, Zone VIII,
Greater Chennai Corporation, No.36B,
2nd Cross Street, Pulla Avenue, Shenoy Nagar,
Chennai 600030.
- 9 The Chief Engineer (Operations & Maintenance),
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB), No.1,
Pumping Station Road, Chintadripet,
Chennai 600002.
- 10 The Tahsildar,
Aminjikarai Taluk, Gajalakshmi Colony,
1st Street, Shenoy Nagar, (Near Aminijikarai
Market), Chennai 600030.
- 11 The Superintending Engineer,
(Town Planning, Planning and Registration of
Contractors), Greater Chennai Corporation,
Ripon Building, Chennai 600003.
- 12 The Superintending Engineer (Central)
& Co-ordn. Area - VII, VIII, IX
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB), No. 1 Pumping
Station Road, Chitadripet, Chennai 600 002.
- 13 Arumugam ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the official Respondents 1 to 12 to remove the encroachments made in Plot No.12, Thiruvalluvar Street, and Plot No.5, Kamarajar Street, T.V.Nagar (Thillaiyadi Valliammal Nagar), Thirumangalam, Chennai, by 13th respondent and his men, and to take immediate actions to remove all encroachments, to prevent further encroachments, to prevent all forms of constructions, to restore the said Plots for the earmarked public purposes, to restore the Public Drinking Water Well, to prevent dumping of garbage and filth, to restore the greenery of the locality, and to take appropriate actions against the culprits, within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.S.Sathiyaraj
for Mr.R.S.Krishnaswamy



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For Respondents : Mr.P.Muthukumar
Counsel for State
for RR 1 to 3, 7 and 10

: Mrs.Karthikaa Ashok
Stdg. Counsel for RR 4, 8 and 11

: Mr.C.Vigneswaran
Stdg. Counsel for RR 6, 9 and 12

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of alleged encroachment by the 13th respondent on two plots of land, which are stated to be public lands.

2. The petitioner states that Plot No.12 was allocated for purposes of child care centre under the Integrated Child Development Scheme and is situated at Tiruvalluvar Street, T.V.Nagar, Thirumangalam, Chennai. It is further stated that the 13th respondent in connivance with officials has encroached upon Plot No.12 and constructed six houses thereon.

3. As regards Plot No.5, it is alleged that this plot was allotted to TANGEDCO for setting up a power transformer so as to cater to the needs of the allottee residents. Once again, it is alleged that the 13th respondent has constructed a compound wall around the power transformer of TANGEDCO and has thereby encroached upon Plot No.5.

4. Ms.Karthikaa Ashok, learned standing counsel for the Greater Chennai Corporation, accepts notice on behalf of respondents 4, 8 and 11 and submits that Plot No.12 is within the jurisdiction of the Greater Chennai Corporation and that necessary action would be taken by the Zonal Officer, if the petitioner submits a fresh representation. As regards Plot No.5, she submits that it is within the jurisdiction of TANGEDCO. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of respondents 1 to 3, 7 and 10.

5. Accordingly, without going into the merits of the matter, the petitioner is permitted to carry a fresh representation separately to the eighth respondent in respect of Plot No.12 and to the fifth respondent in respect of Plot No.5. Such representations shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondent concerned is directed to consider such representation and dispose of the same by a reasoned order, after providing a reasonable opportunity of hearing both to the



petitioner and to the 13th respondent, within a period of eight weeks from the date of receipt thereof. In view of the fact that the official respondents have been directed to hear the 13th respondent before taking a decision, the writ petition is being disposed of without notice to the private respondent.

W.P.No.14605 of 2021 is disposed of in these terms without any order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

- 1 The Additional Chief
Secretary to Government of Tamil Nadu
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai 600 009.
- 2 The Secretary to Government of Tamil Nadu,
Social Welfare and Nutritious Meal Programme
Department, Secretariat, Fort St. George,
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Station Road, Chitadripet, Chennai 600 002.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.33776
+1cc to Mr.R.S.Krishnaswamy, Advocate, S.R.No.33497
+1cc to Karthikaa Ashok, Advocate, S.R.No.33433

W.P.No.14605 of 2021

SR-II (CO)
RGA (20/07/2021)