



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.14443 OF 2021

Zaiba Sultan

... Petitioner

.Vs.

1. The Commissioner,
Corporation of Greater Chennai,
Rippon Buildings, Chennai - 600 003.
2. The Principal Secretary/Member Secretary,
Chennai Metropolitan Development Authority,
Represented by its Chairman,
No.1 Gandhi Irwin Road,
Egmore, Chennai.

... Respondents

PRAYER:- Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to dispose the petitioner representation dated 21.04.2021 pending on the file of the respondents in accordance with law.

For Petitioner : Mr.M.Jaikumar

For Respondents : Ms.P.T.Ramadevi for R1

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondent Corporation to act upon the representation made by the petitioner on 21.04.2021, wherein the petitioner has requested the Corporation to trace the missing 30 feet road and to take action against the persons, who have encroached upon the 30 feet road.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent Corporation.

3. The specific grievance of the petitioner is that a lay out approval was granted for 79 plots by the Velachery Town Panchayat and while granting the approval, a 30 feet road was



also specifically earmarked for the purpose of free access to persons, who purchase the plots in the lay out.

4. The petitioner made a representation seeking for the survey of the property and at the time of conducting the survey, it was identified that many persons have encroached upon the place earmarked as a road and as a result of the same, the 30 feet road was not available.

5. The petitioner, therefore, made a representation to the respondent to take action against the persons, who have encroached upon the 30 feet road. Since the representation was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

6. In the considered view of this Court, the 30 feet road forms part of the lay out approval that was granted in the year 1973. Admittedly, the 30 feet road was not gifted to the Corporation and the Corporation is not the owner of the 30 feet road. It was only a facility that was extended to the plot owners in the lay out and it is supposed to be maintained by those plot owners.

7. If any encroachment takes place in the 30 feet road, the plot owners will have to approach the competent civil Court and seek for the necessary relief. The Corporation will not have any say on such encroachments and no action can be taken by the Corporation against the encroachers. At the best, the Corporation can only take action if the road belonging to the Corporation is encroached upon.

8. In view of the above discussion, no useful purpose will be served in directing the respondents to consider the representation made by the petitioner on 21.04.2021. If at all the petitioner and other plot owners are aggrieved by the encroachment in the 30 feet road, they have to independently work out their remedy before the competent civil Court in the manner known to law. Except giving this liberty, no further orders can be passed in this writ petition.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RR



To

1. The Commissioner,
Corporation of Greater Chennai,
Rippon Buildings,
Chennai - 600 003

2. The Chairman,
Principal Secretary/Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai.

+1cc to Ms.P.T.Ramadevi, Advocate, S.R.No.38338

W.P.NO.14443 OF 2021

PMK (CO)
PBS/08/09/2021