



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.20151 of 2020

and

W.M.P No.24902 of 2020

Sunil Bhandari

..Petitioner

vs.

1. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai, Tamil Nadu-600 003.
- 2.The Executive Engineer
Greater Chennai Corporation
Ripon Building
Chennai, Tamil Nadu-600 003.
3. The Assistant Engineer
Greater Chennai Corporation
Ripon Building
Chennai, Tamil Nadu-600 003.
4. The District Collector Office
Chengalpattu District
Chengalpattu
5. Thasildar
NH32, Chitlapakkam
Tambaram West, Tambaram
Chennai-600 045.
6. The Commissioner
Chengalpattu Municipality
Chengalpattu
Kancheepuram District.

..

Respondents

Prayer:- This Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents, their men, agents, servants or anyone acting on their behalf from in any manner proceeding with



further demolition or any other related activity in the premises at S.No.142/2, 145, 143, Arasankalani Village, Tambaram Taluk, Chengalpattu District except in accordance with law.

WEB COPY

For Petitioner : Mr. Kumarpat R.Chopra
For Respondents : Mr. P.T.Ramadevi for R1 to R3
Mr.A.Selvendran for R4 & R5
Government Advocate
Mr.M.Elumalai for R6

O R D E R

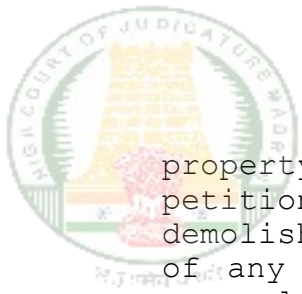
This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents, their men, agents, servants or anyone acting on their behalf from in any manner proceeding with further demolition or any other related activity in the premises at S.No.142/2, 145, 143, Arasankalani Village, Tambaram Taluk, Chengalpattu District except in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The allegation of the petitioner is that the premises in Survey No.S.No.142/2, 145, 143, Arasankalani Village, Tambaram Taluk, Chengalpattu District, is a private property and for the said property, patta also stands in the name of the petitioner. During the monsoon period, due to ejection of rain water, the third respondent made an attempt to demolish the compound wall of the petitioner. Therefore, the present petition is filed by the petitioner.

4. The learned standing counsel appearing for the respondent corporation as well as the 6th respondent would fairly submit that the aforesaid property belongs to the writ petitioner and due to water logging in the said area and to eject the water, they have taken steps to remove the compound wall. Only for the aforesaid bonafide reason, action will be taken by the respondent officials. Therefore, there is no intention to interfere with the possession of the petitioner by adopting illegal methods. By during the monsoon period the entire road has been water logged, therefore action taken by the petitioner.

5. Therefore, this Court is of the view that the aforesaid



property comprised in S.No.142/2, 145, 143 belongs to the writ petitioner. Hence, the respondent shall not interfere or demolish the compound wall of the petitioner property. In case of any urgency, the respondent can proceed to take action for removal of the petitioner's compound wall, by following the procedure, as contemplated under law.

6. In view of the aforesaid findings, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

uma

To

1. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai, Tamil Nadu-600 003.
- 2.The Executive Engineer
Greater Chennai Corporation
Ripon Building
Chennai, Tamil Nadu-600 003.
3. The Assistant Engineer
Greater Chennai Corporation
Ripon Building
Chennai, Tamil Nadu-600 003.
4. The District Collector Office
Chengalpattu District
Chengalpattu
5. Thasildar
NH32, Chitlapakkam
Tambaram West, Tambaram
Chennai-600 045.
6. The Commissioner
Chengalpattu Municipality
Chengalpattu
Kancheepuram District.



+1cc to Mr.P.T.Ramadevi, Greater Chennai Corporation,
(Standing Counsel) S.R.No.32981
+1cc to the Government Pleader, S.R.No.32914

WEB COPY

KV(CO)
CB(06/08/2021)

W.P.No.20151 of 2020
&
W.M.P No.24902 of 2020