



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

:CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.No.23639 of 2021 and
W.M.P.No. 24887 of 2021

E. Sampath

... Petitioner

Vs.

1. The Commissioner,
Greater Corporation of Chennai
Rippon Building,
Chennai-600 003.
2. The Assistant Commissioner,
Greater Corporation of Chennai
Zone - XIV,
No.8 A, Puzhuthivakkam Main Road,
Puzhuthivakkam, Madipakkam,
Chennai - 600 091.
3. The Tahshildhar,
No.1, Rajiv Gandhi Salai,
1st Cross Street,
Chennai - 600 119.
4. Asst. Executive Engineer,
Greater Corporation of Chennai
Division No.184, Zone-XIV
School Road, Perungudi
Chennai - 600 096.
5. The Junior Engineer,
Greater Corporation of Chennai
Division No.184, Zone-XIV
School Road, Perungudi,
Chennai - 600 096.
6. Surveyor, Taluk Office,
Sholinganallur,
Chennai - 600 119.
7. Village Administrative Officer,
Anna nedum salai



Perungudi
Chennai - 600 096.

8. Sumithran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the Respondents or their agents or assignees or anyone from interfering with the peaceful possession of the Petitioner including any further illegal demolition of the property bearing door No. 18, Plot No.69-C, Kothandaraman Nagar, 4th Cross Street, Perungudi, Chennai-600 096.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.Raja Srinivas
for R1,R2, R4 &R5
Government Counsel
Mr.K.Tippusultan for R3,R6,R7
Government Counsel.

ORDER

(Order of this Court was made by S. VAIDYANATHAN.,J)

The Writ Petition has been filed forbearing the Respondents or their agents or assignees or anyone from interfering with the peaceful possession of the Petitioner including any further illegal demolition of the property bearing door No. 18, Plot No.69-C, Kothandaraman Nagar, 4th Cross Street, Perungudi, Chennai-600 096.

2. Mr.Raja Srinivas, learned Government counsel takes notice for Respondents 1,2,4 and 5. Mr.K.Tippu Sultan, learned Government Counsel takes notice for the Respondents 3, 6 and 7. Since no adverse orders are passed in this Writ Petition, against the 8th respondent, notice with respect to the 8th respondent is dispensed with.

3. By consent, this Writ Petition is taken up and disposed of in the stage of admission itself.

4. The learned counsel appearing for the Petitioner submitted that the property bearing door no.18, Plot No. 18, Plot No.69-C, Kothandaraman Nagar, 4th Cross Street, Perungudi, Chennai-600 096 belongs to his son-in-law and the said property was purchased by him in and by way of a registered sale deed dated 07.06.2019 and the petitioner was in occupation of the said property. It is further submitted that the petitioner was served with the notice of the fifth respondent dated 27.07.2021, alleging that the petitioner has encroached the 4th cross street and has put a construction, for which the petitioner has given a reply through the Advocate on 01.08.2021 and the documents sought for were also enclosed. It is further



submitted that despite the reply being received by the fifth respondent, no action has been taken and all of a sudden, the fourth respondent along with the Respondents 5 to 7 came to the premises of the petitioner and broke opened the lock and started to demolish the compound wall and being shocked the petitioner sent a letter to the authorities about the said illegal action. It is the further contention of the learned counsel for the Petitioner that the authorities has not taken any action till date and hence prays to allow this Writ Petition.

5. The learned counsel appearing for the Petitioner submitted that if there is any Government road in the land of the petitioner, he has no objection for being taken by the Government as it is going to be beneficial to the public as well as to the petitioner.

6. Taking note of the facts and circumstances of the case and also the submissions made, the jurisdictional Tahsildar, who is the competent authority to ascertain the encroachment is directed to conduct the enquiry and conduct survey, by using the drone technology, after affording opportunity of hearing to the 8th respondent as well as the persons concerned, within a period of three months from the date of receipt of a copy of this order. It is made clear that till the action is taken by the authorities, no coercive action shall be taken against the petitioner.

7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Corporation of Chennai
Rippon Building,
Chennai-600 003.
2. The Assistant Commissioner,
Greater Corporation of Chennai
Zone - XIV,
No.8 A, Puzhuthivakkam Main Road,
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3. The Tahshildhar,
No.1, Rajiv Gandhi Salai,
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4. Asst. Executive Engineer,
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School Road, Perungudi
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7. Village Administrative Officer,
Anna nedum salai
Perungudi, Chennai - 600 096.

+1cc to Mr.M.Sriram, Advocate, S.R.No.57061

W.P.No.23639 of 2021

PP(CO)
SB(22/11/2021)