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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.24212 of 2021

D.Panneer Selvam

.. Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Park Town,
Chennai - 600 003.

2. The Zonal Officer, Zone-VI,
Greater Chennai Corporation,
No.158, Strahans Road,
Pattalam, Chennai - 600 012.

3. The Tahsildar,
Purasavakkam Taluk,
Raja Sir Muthiah Salai,
Periamet, Chennai - 600 003.

4. K.Gokul

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to remove the encroachment made by the fourth respondent in storm water drain canal in Survey No.1366 of No.9A, V.V.Kovil Street, Choolai, Chennai - 600 112 in Ward No.78, Vepery Village, Purasawalkam Taluk, Chennai.

For the Petitioner : Ms.P.Arularasi



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For the Respondents : Ms.Karthika Ashok
for respondent Nos.1 and 2

Mr.P.Muthukumar
State Government Pleader
for respondent No.3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

In view of the order proposed to be made, no previous service is required to be effected on the fourth respondent. However, the petitioner will be obliged to immediately forward copies of the petition and this order to the fourth respondent.

2. The grievance of the petitioner is that the fourth respondent has encroached into government land by squatting on a storm water drain canal in Survey No.1366 of No.9A, V.V.Kovil Street, Choolai, Chennai.

3. Ms.Karthika Ashok takes notice on behalf of the respondent Nos.1 and 2 and Mr.P.Muthukumar, learned State Government Pleader, on behalf of the third respondent.

4. According to the Corporation, the fourth respondent is a lessee in respect of a temple land which is appurtenant to the storm water drain canal. The Corporation submits that appropriate steps have been taken and a notice has been issued to the fourth respondent.

5. By way of abundant caution, the Corporation is directed to issue a notice to the temple so that the extent of the temple's ownership of the land can be ascertained as the fourth respondent, as a lessee under the temple, cannot claim any land in excess of what the temple seeks to claim. The Tahsildar will conduct a survey in conjunction with the Corporation officials in the presence of the representatives of the temple, the fourth respondent and the petitioner herein and ascertain whether there is any encroachment.

6. If any encroachment is discovered, immediate appropriate steps should be taken in accordance with law for the removal



thereof. At any rate, the entire exercise should be completed by the Corporation and the appropriate authorities within a period of three months from date.

W.P.No.24212 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Park Town,
Chennai - 600 003.
2. The Zonal Officer, Zone-VI,
Greater Chennai Corporation,
No.158, Strahans Road,
Pattalam, Chennai - 600 012.
3. The Tahsildar,
Purasavakkam Taluk,
Raja Sir Muthiah Salai,
Periamet, Chennai - 600 003.

+1cc to M/s.P.Arularasi, Advocate, S.R.No.58554

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.58422

W.P.No.24212 of 2021

SMI (CO)
SU(22/11/2021)