



WEB COPY



W.P.No.15302 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.15302 of 2015
and M.P.No.1 of 2015

R.Kalaiarasan

...Petitioner

-Vs-

1.The District Collector,
The Office of the Collectorate,
Thiruvallur District,
Thiruvallur.

2.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai – 600 003.

3.The Assistant Commissioner,
Zone-III, Corporation of Chennai,
Madhavaram,
Chennai – 600 060.

4.The Tahsildar,
Madhavaram High Road,
Madhavaram,
Chennai – 600 060.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of mandamus directing the respondents to



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consider the petitioner's representations dated 17.04.1999, 25.07.2000 and 23.05.2015 and offer the 20 feet unit poramboke passage located at the northern side of the petitioner's house for a reasonable guideline value to the petitioner.

For Petitioner : M/s.S.Mounika
for Mr.R.Arunkumar

For Respondent – 1 : Mrs.N.Senthil Selvi
Government Advocate

For Respondents – 2 & 3 : Mr.G.T.Subramanian

ORDER

This writ petition is filed for issuance of a writ of mandamus directing the respondents to consider the petitioner's representations dated 17.04.1999, 25.07.2000 and 23.05.2015 and offer the 20 feet wide poramboke passage located at the northern side of the petitioner's house for a reasonable guideline value to the petitioner.

2. Brief facts that are stated by the petitioner in the affidavit filed in support of the petition are as follows:

3. The petitioner and his family are residing in a building in Plot.No.201, Sarathy Illam, Thanikachalam Nagar, Chennai – 600 110.



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4. The petitioner's father-in-law purchased the property vide Sale Deed dated 16.04.1970 and later it was settled in favour of the petitioner's wife by name Mrs.D.Bakthausha as per the Settlement Deed dated 10.08.1990. The petitioner is residing in the house. It is stated that there is a 20 feet small bit of passage which is not being used by public but adjacent to the petitioner's property for the effective enjoyment of the property owned by his wife. Therefore, the petitioner has submitted a representation to the respondents for conveying the said property by collecting value of the property as per guideline rate indicated in the Registrar Offices.

5. From the representations, it is seen that the petitioner has made an attempt to get an assignment of the property which is a 20 feet road abutting his wife's residential plots. However, he states that the same is not being used as a public road quite contrary to the nature of the case pleaded by the petitioner himself earlier. The petitioner has no right to seek assignment of the land from the Greater Chennai Corporation. A public road vested with the Greater Chennai Corporation cannot be assigned or conveyed by the Greater Chennai Corporation in favour of anyone even for value which is reasonable or the market value. By virtue of vesting of road in second respondent, the property should be kept for the benefit of public, and it cannot be used for any other



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purposes. When the Greater Chennai Corporation itself cannot be permitted to use the property as their own, the petitioner cannot expect the Corporation to grant assignment or convey the property in his favour.

6. Accordingly, this writ petition stands dismissed as devoid of merits. No costs. Consequently connected miscellaneous petition is closed.

13.10.2022

cda

Index : Yes/No

Speaking/Non Speaking order



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S.S.SUNDAR. J.,



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