



WEB COPY



W.P.No.26850 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26850 of 2022

K.Anandaraman

.. Petitioner

v.

1. The Commissioner

Greater Chennai Corporation

Rippon Building, Chennai

2. The Regional Deputy Commissioner (North)

Greater Chennai Corporation

Rippon Building, Chennai

3. The Zonal Officer

Zone-3 (Madhavaram)

Greater Chennai Corporation

Thattankulam Road

Chennai 600 060

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 15.02.2022 in letter



W.P.No.26850 of 2022

No.ZO.III.C.No.812/2022 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to drop the proceedings against the petitioner.

For Petitioner :: Mr.M.Simon

For Respondents :: Mr.A.Arun Babu
Standing Counsel for R1 to R3

ORDER

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

This writ petition has been directed against the impugned notice dated 15.02.2022 issued by the Regional Deputy Commissioner (North), Greater Chennai Corporation, the second respondent herein calling upon the petitioner to show cause under Section 220 read with Section 222 of the Chennai City Municipal Corporation Act, 1919 as to why the encroachment made by the petitioner in the Parappankulam (water body) at Door No.8, Singaravelan Nagar First Street, Puthagaram, Chennai 600 099 in T.S.No.68/4, Village No.57 of Puthagaram Village measuring an extent of 120.00m² should not be removed within 15 days.



W.P.No.26850 of 2022

WEB COPY

2. Learned counsel appearing for the petitioner submitted that the land covered in Survey No.68/6C is a patta land, because the Deputy Tahsildar (Land), Madhavaram had issued patta in the name of the pattadhar A.Bhagyalakshmi, Wife of Mr.K.Anandaraman, the petitioner herein. When the petitioner Mr.K.Anandaraman, being the legal heir of A.Bhagyalakshmi-pattadhar, who is no more, is entitled to maintain this writ petition so as to preserve and protect the patta land, the respondents cannot be allowed to demolish any structure belonging to the pattadhar. Therefore, the impugned notice shall be confined only with respect to the land covered in Town Survey No.68/4, but not to the land covered in Survey No.68/6C of Puthagaram Village.

3. Learned Standing Counsel appearing for the respondents, drawing our attention to the impugned notice dated 15.02.2022, submitted that when this Court, by order dated 07.04.2021 passed in Writ Petition No.2553 of 2021, had already directed the respondents to identify the encroachers in the land covered in Survey No.68/4, as it is falling within the Parappankulam



W.P.No.26850 of 2022

WEB COPY

(water body), in pursuance of the direction issued in the said writ petition only, the present action has been taken and the impugned notice has been issued by the Regional Deputy Commissioner (North), Greater Chennai Corporation calling upon the petitioner to show cause under Section 220 read with Section 222 of the Chennai City Municipal Corporation Act, 1919 as to why the encroachment made by the petitioner in the Parappankulam (water body) should not be removed within 15 days.

4. We are also able to see that the impugned notice is a consequential one issued in pursuance of the order dated 07.04.2021 passed in Writ Petition No.2553 of 2021. Since the Tahsildar, Madhavaram, in his proceedings dated 04.02.2022, has proceeded to remove the encroachments after undertaking survey and further identifying the encroachments, we do not find any merit in this writ petition. Accordingly, the writ petition fails and it is dismissed. It is open to the petitioner to establish before the authorities that he is not an encroacher, as the patta has been issued by the Deputy Tahsildar (Land), Madhavaram that the land covered in Survey



W.P.No.26850 of 2022

No.68/6C belongs to A.Bhagyalakshmi, the deceased wife of the petitioner.

Consequently, W.M.P.No.25929 of 2022 is also dismissed. However, there is no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

10.10.2022

SS

To

1. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai
2. The Regional Deputy Commissioner (North)
Greater Chennai Corporation
Rippon Building, Chennai
3. The Zonal Officer
Zone-3 (Madhavaram)
Greater Chennai Corporation
Thattankulam Road
Chennai 600 060



WEB COPY



W.P.No.26850 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

SS

W.P.No.26850 of 2022

10.10.2022