



W.P.No.11911 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

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and

W.M.P.No.11333 of 2022

Bhuvaneswari Nagar & V.G.P.Selva Nagar Welfare Association,
(Represented by its President, Mr. Balashanmuga Sekar),
Plot No.51, 1st Main Road,
VGP Selva Nagar, Velachery,
Chennai-600 042. Petitioner

Vs.

1. The Tahsildar,
Velacherry Taluk,
Selva Nagar, Velacherry,
Chennai-600042.
2. The Zonal Officer-13,
Greater Chennai Corporation,
Zone-13,
No.115, Dr. Muthulakshmi Salai,
Adyar, Chennai-600020.
3. S. Adhilakshmi,



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4. The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-3.

. . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari or any other appropriate writ order, or direction, in the nature of Writ, calling for the records relating to impugned Patta dated 05.08.2016 for Block No.192, Survey no.331/12, T.S.No.17/2 granted to 3rd Respondent and to quash the same.

For Petitioner	: Mr.Lakshmi Kumaran
For Respondents	: Mr. G.Krishna Raja, Additional Government Pleader for R1, R2 & R3.

ORDER

The present petition has been filed seeking the relief of quashment of the impugned Patta dated 05.08.2016 which was granted in favour of the 3rd Respondent.



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2. Since no adverse order is being passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. When the matter is taken up for hearing, learned counsel for the petitioner submits that the impugned order in this Writ Petition has been granted contrary to the order passed by this Court in R.A.No.30 of 2007 wherein a Division Bench of this Court has held as under:-

“ All the above mentioned particulars clearly show that the layout was duly approved in no.16/73 by the competent authority showing the width of the road as 40 feet. This is also evident from the report of the Advocate Commissioner. In such circumstances, we are unable to accept the contradictory stand taken by the first respondent. It is unfortunate that without verifying the relevant records and getting proper report from the Field Officer, the Commissioner has sworn an affidavit giving incorrect information to this Court. It is not clear why the Commissioner has pleaded on behalf of the second respondent, when they have not evinced in contesting the case of the Writ Petitioner. The stand taken by the first respondent cannot be appreciated by this Court. Even his reply to the reply affidavit dated 14.03.2007 was filed only on the direction of this Court in order to rectify the mistake available in his counter affidavit dated 20.02.2007. We are satisfied that the petition association has made out a clear case and there is no difficulty in arriving a conclusion that the second respondent had encroached on the 40 feet public road. In such circumstances, the first respondent is duty bound to clear the same and after clearance, execute proper repair work



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on the 40 feet public. Before complying with the said direction, the first respondent is directed to follow the rules/procedure and take appropriate steps for removal of the encroachments on the 40 feet public road. The recourse shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. No costs."

Further, it is submitted that the petitioner filed an objection petition before the 1st respondent, against the impugned patta. However, till date, the same has not been considered, which led to the filing of the present petition.

4. On the above contention, heard learned Additional Government Pleader appearing for the respondents, who fairly concedes that said submission.

5. In view of the above, this Court, without going into the merits of the case, directs the 1st respondent to consider the petitioner's objection in the light of the order passed by the Division Bench of this Court in R.A.No.30 of 2007 filed on 04.02.2022 and pass appropriate orders on the same in accordance with law, after providing an opportunity of personal hearing to the petitioner, within a period of twelve weeks from the date of receipt of a



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copy of this order.

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6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

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To

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