



W.P.No.17098 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.17098 of 2022

Shrioolaga

.. Petitioner

Vs

1 Corporation of Chennai
Rep its Assistant Engineer
Division 183, Kottivakkam
Chennai - 600 041.

2 The Tahsildar
Sholinganallur
Chennai - 600 119.

3 Lawrence Mary

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first and second respondent to remove the encroachment made in the 30 feet pathway in Survey No.265/22 (old 265/9) made by the third respondent in accordance with the proceedings of the second respondent in Na.Ka. No. 5532/2015/AA2, dated 15.02.2018.



WEB COPY



W.P.No.17098 of 2022

For the Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For the Respondents : Mr.R.Gopinath
for 1st respondent

Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for 2nd respondent

ORDER

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

This writ petition has been filed to seek a direction on the second respondent to remove the encroachment made in 30 feet pathway in Survey No.265/22.

2. Learned counsel for the petitioner submitted that despite the recommendation of the second respondent/Tahsildar vide his letter dated 15.02.2018, the encroachment has not yet been removed.



W.P.No.17098 of 2022

WEB COPY

3. Learned Additional Advocate General appearing for the second respondent submitted that the writ petition has been filed to settle the *inter se* dispute between the two parties. The second respondent Tahsildar has nothing to do with it, yet, a letter has been issued by him on 15.02.2018. A perusal of the said letter referred by the petitioner would reveal that one Mrs.Lawrence Mary (third respondent) has constructed a wall and small hut in the property said to have been purchased by her. The sale deed refers to 30 feet left for passage in the land belonging to the said Lawrence Mary, but she has constructed a hut on the said passage.

4. Learned Additional Advocate General further submitted that from the facts on record, it comes out that there exists an *inter se* dispute between two individual parties in reference to the sale deed and the arrangement made therein. Prior to the filing of the present writ petition, even a civil suit was filed by the petitioner, wherein an injunction was granted in his favour, though subsequent to it, the vendor had sold a part of the property to Lawrence Mary. In any case, it is nothing but an *inter se* dispute between two individual



W.P.No.17098 of 2022

parties and not an encroachment on the public road. The prayer is to dismiss the writ petition.

5. We find substance in the argument of learned Additional Advocate General, as the facts given by him are borne out from the letter of the Tahsildar itself.

6. In view of the above, we do not find that the writ petition would be maintainable to settle the *inter se* dispute between two individual parties.

7. Accordingly, the writ petition fails and it is dismissed. There will be no order as to costs. Consequently, W.M.P.No.16397 of 2022 is closed.

(M.N.B., CJ.) (N.M., J.)
06.07.2022

Index : No
bbr



W.P.No.17098 of 2022

To:

WEB COPY

- 1 The Assistant Engineer
Corporation of Chennai
Division 183, Kottivakkam
Chennai - 600 041.
- 2 The Tahsildar
Sholinganallur
Chennai - 600 119.



WEB COPY



W.P.No.17098 of 2022

THE HON'BLE CHIEF JUSTICE
AND
N.MALA,J.

bbr

W.P.No.17098 of 2022

06.07.2022