



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.P. No. 12071 of 2022
and
WMP.No.11507 of 2022

M/s. Navalur Suresh Nagar Residents Association
Rep. by its President Mr.Seshathri.P
Office At Plot No.20, Suresh Nagar
Navalur, Chennai - 600 130.
its Residential Address Flat No.15B,
Thirumalai Nagar,Annex,
1st Main Road,
Perungudi,Chennai 96.

.. Petitioner

Versus

1. The District Collector
Chengelpattu
Chengelpattu District 603 001.
2. The District Revenue Officer
Chengelpattu District
Chengelpattu 603 001.
3. The Revenue Divisional Officer
Chengelpattu
Chengelpattu District 603 001.
4. The Tahsildar
Thirupporur Taluk
Chengelpattu District 603 110.
5. The Block Development Officer
Thirupporur Block Development Office
Thirupporur Taluk
Chengelpattu District 603 110.
6. The President
Office of the Navalur Panchayat
Thirupporur Taluk
Chengelpattu District 603 110.
7. Association of Greenwoods Community
Rep. by its President
Greenwood City, Thazhambur Road
Navalur - 600 130.

.. Respondents



Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondents 1 to 6 herein to remove all the encroachments over the panchayat road in respect of greenwood city entrusted panchayat road in 50 Feet Road comprised in survey Nos.216/2CI part, 215/2DI part, 215/2F IA part, 200/2 part, 198/IA2 part, 198/IB3 part, 190/2 part, 189/IA part & 186/2A part to an extent of 58250 sq.ft at Navalur Village, Thirupporur Taluk, Chengelpattu District by considering representation dated 02.02.2022 and recommendation of the third respondent in his proceeding no.424/2022/A3 dated 17.02.2022.

For Petitioner : Mr. V. Neethidurai

For Respondents : Mr. A. Selvendran
Special Government Pleader
for Respondents 1 to 6

ORDER

(Order of the Court was made by R. Mahadevan,J)

The writ petition has been filed by the petitioner Association seeking to issue a direction to the respondents 1 to 6 to remove all the encroachments in respect of 50 feet panchayat road comprised in survey Nos.216/2CI part, 215/2DI part, 215/2F IA part, 200/2 part, 198/IA2 part, 198/IB3 part, 190/2 part, 189/IA part & 186/2A part measuring to an extent of 58250 sq.ft at Navalur Village, Thirupporur Taluk, Chengelpattu District by considering their representation dated 02.02.2022, in the light of the recommendations made by the third respondent in his proceeding no.424/2022/A3 dated 17.02.2022.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner association is a registered association in which the owners of various plots in Suresh Nagar, Navalur Village, Thirupporur Taluk are the members. The layout in respect of Suresh Nagar has been approved by the Directorate of Town and Country Planning and the members of the petitioner association are in possession of the various plots and some of them have also put up residential houses therein. At the time of approval of layout, certain lands were gifted to the local body for formation of public road and it was registered as document No.304 of 2012 on 12.01.2012. Accordingly, a 50 feet road was formed, which is being used by the members of the petitioner association. The said road is being maintained by the Navalur Panchayat Union, till date. While so, the seventh respondent, during the course of development of the adjacent plots in the approved layout called Greenwood City, has constructed a compound wall measuring 24 feet thereby preventing the access to the members of the petitioner association to use the said 50 feet wide panchayat road. According to the petitioner association, a public pathway cannot be prevented by any one, much less the seventh respondent, by putting up a compound wall. In this context, the petitioner sent a representation dated 02.02.2022



to the respondents 1 to 6 requesting them to remove the compound wall put up by the seventh respondent and to restore the 50 feet Panchayat Road to its original position. On receipt of the said representation dated 02.02.2022, the third respondent, in his proceedings dated 17.02.2022, directed the fourth respondent to take appropriate action on the representation dated 02.02.2022 of the petitioner association and to submit a report. However, the fourth respondent has not taken any action so far. Hence, the petitioner has come forward with this writ petition.

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader, who takes notice for the respondents 1 to 6.

4. Taking note of the facts and circumstances of the case, more particularly that the petitioner has already made a representation dated 02.02.2022 which was also forwarded by the third respondent to the fourth respondent for taking action, however, no steps have been taken till date, this Court directs the fourth respondent to consider the representation dated 02.02.2022 of the petitioner on merits and in accordance with law after affording an opportunity of hearing to the representative of the petitioner association as well as the seventh respondent and take appropriate action if there is any encroachment. Such an exercise shall be completed by the fourth respondent within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.11507 of 2022 is closed.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

kpl/rsh

To:

1. The District Collector
Chengelpattu
Chengelpattu District 603 001.
2. The District Revenue Officer
Chengelpattu District
Chengelpattu 603 001.
3. The Revenue Divisional Officer
Chengelpattu, Chengelpattu District 603 001.
4. The Tahsildar
Thirupporur Taluk, Chengelpattu District 603 110.



5. The Block Development Officer
Thirupporur Block Development Office
Thirupporur Taluk, Chengelpattu District 603 110.

6. The President
Office of the Navalur Panchayat
Thirupporur Taluk, Chengelpattu District 603 110.

+1 cc to Mr.V. Neethidurai, Advocate Sr.NO. 3097

+1 cc to Government Pleader Sr.NO. 31196

WP No. 12071 of 2022

EV(CO)

A.SK(25/05/2022)