



W.P.No.17711 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.17711 of 2022

A.Initha

.. Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.

2.The District Collector,
Chennai District, Chennai.

3.The Tahsildar,
Perambur Taluk,
Chennai District, Chennai.

4.Karnan @ Karuna

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent at No.71-A (opposite to Plot No.71), Thendral Nagar, Selevoyel Village, Kodungaiyur, Chennai.



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For the Petitioner : Mr.S.Kamalesh Kannan

For the Respondents : Mr.R.Gopinath
for respondent No.1

: Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.2 and 3

ORDER

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

This writ petition has been filed to direct the respondents 1 to 3 to remove the encroachment made by the fourth respondent at No.71-A, Thendral Nagar (Opposite to Plot No.71), Selevoyel Village, Kodungaiyur, Chennai.

2. A photograph has been enclosed to show the encroachment. But a perusal of the construction would show that it is very old and also admitted by learned counsel for the petitioner. It is, however, submitted that earlier a writ petition was preferred in the year 2008 and the same was disposed of with a direction to the official



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respondents to take action in the matter. The encroachment was removed in the year 2009, but was again made in the year 2013. It is stated that the petitioner has immediately made a representation and also sent several reminders, however, the encroachment was not removed. Hence, the present petition has been filed.

3. We find that no representation was made by the petitioner immediately after raising the construction in the year 2013. In fact, the documents filed along with the petition include the representation dated 20.12.2021 said to have been submitted by the petitioner i.e. after a lapse of 8 years. The delay in filing the writ petition is unexplained.

4. In view of the above, the writ jurisdiction cannot be made available to settle the personal score with the other party. If the grievance had been bonafide, the writ petition would have been filed then and there in the year 2013 itself and not after a lapse of 9 years. Thus, the writ petition suffers from laches.



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5. Accordingly, the writ petition is dismissed. There will be no order as to costs.

(M.N.B., CJ.) (N.M., J.)
13.07.2022

Index : Yes/No
bbr

To:

- 1.The Commissioner,
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THE HON'BLE CHIEF JUSTICE
AND
N.MALA,J.

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