



W.P. No. 27997 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27997 of 2022

Irfana Javeed

... Petitioner

-VS-

1. The Commissioner
Greater Corporation of Chennai
Rippon Building
Chennai – 600 002.
2. The Executive Engineer
Zone IX, Ward 119
Greater Corporation of Chennai
Chennai – 600 014.
3. The Assistant Executive Engineer
Zone IX, Ward 119
Greater Corporation of Chennai
Chennai – 600 014.
4. The Chairman
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road
Chindadripet, Chennai – 600 002.
5. The Area Engineer – IX
Chennai Metropolitan Water Supply and Sewerage Board
5, Muthiah Street, Royapettah
Chennai – 600 014.
(R4 and R5 are impleaded vide order
dated 10.11.2022 in W.M.P. No. 27997/2022)



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6. The Tahsildar
Mylapore, Chennai.
(R6 is *suo motu* impleaded
vide order dated 16.11.2022)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to dispose the representation dated 26.09.2019 for laying of road and street lights in Diwan Sahib Garden Street, Royapettah, Chennai.

For Petitioner : Mr. L.Dhamodharan

For Respondents : Mrs. P.T.Ramadevi (For R1 to R3)

Ms. K.Vasanthamala (For R4 & R5)

Mr. T.Arun Kumar
Additional Government Pleader (For R6)

ORDER

Heard Mr. L.Dhamodharan, Learned Counsel for the Petitioner, Mrs. P.T.Ramadevi, Learned Counsel for the First to Third Respondents, Ms. K.Vasanthamala, Learned Counsel for the Fourth and Fifth Respondents and Mr. T.Arun Kumar, Learned Additional Government Pleader appearing for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition had been filed for directing the Respondents to dispose the representation dated 26.09.2019 for laying of road and street lights in Diwan Sahib Garden Street, Royapettah, Chennai.

3. In furtherance to the order passed on 10.11.2022 by the Court, the Sixth Respondent has filed a status report dated 24.11.2022 stating as follows:-

“5. It is respectfully submitted that in pursuance of the said order, the Field Surveyor who inspected the said field has submitted a report stating that the subject property involved in this Writ Petition is comprised in S. Nos. 1155/2 and 1156 of Block No. 25 of Mylapore Village and that the said property stands registered in the Revenue Records as follows:

Village	As per entries in Permanent Land Records	As per entries in Permanent Land Records
Village	Mylapore	Mylapore
Block No.	25	25
T.S. No.	1155/2	1156
Classification	Ryotwari-Quit Rent	Corporation Public
Extent	Hec. Ares. Sq.mts 00 76 87.0	Hec. Ares. Sq.mts 00 0415.0
Name(s) of the Registered holders	Ahmed Sultan Bi Ayisha Bi and 23 others	Corporation Public
How the holding is utilized		For use as Drainage & Sewage Channel



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5) *It is submitted that as per Taluk Permanent Land Record, S.No. 1155/2 it stands in the name of the individuals and S.No. 1156 stands in the name of Corporation Public. It is submitted that during the field inspection conducted on 23.11.2022, it shows that S.No. 1156 is not utilize as Drainage and Sewage Channel in the field.*

6) *Further, it is submitted that the Petitioner is having their access to the road through the private property in S.No. 1155/2 and the residence of the Petitioner has also been marked in the sketch which is enclosed.*

7) *It is respectfully submitted that as such out of the two lands involved in this Writ Petition one land stands classified as Private land and stands registered in the names of the aforesaid individuals. The other land in S.No. 1156 stands classified as Corporation Public and registered in the name of Corporation Public. A detailed report in this regard has been sent to the Assistant Engineer, Unit-24, Zone – IX, Greater Chennai Corporation functioning at No.9, C.I.T. Colony, VI*



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Street, Mylapore, Chennai – 600004 vide this office letter

WEB COPY *Rc.No.A2/3999/2020 dated 16.11.2022 together with a sketch*

showing the location of the aforesaid fields”

This would obviously reflect that there is a dispute relating to the title of the property in which the Petitioner seeks to lay road and provide street lights in this case.

4. At this juncture, it must be recapitulated that the Hon'ble Supreme Court of India in ***Roshina T -vs- Abdul Azeez K.T.*** [(2019) 2 SCC 329] has cautioned against determining disputed questions of fact relating to property rights in proceedings following summary procedure under Article 226 of the Constitution and has held that the same would have to be answered one way or the other only in a properly framed suit impleading necessary parties before the civil court. In such circumstances, it is not possible for this Court to grant the relief sought by the Petitioner in this Writ Petition.

5. In fine, the Writ Petition is dismissed. No costs.

24.11.2022

Maya

Index: Yes/No



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Note: Issue order copy by 06.01.2023.

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P.D. AUDIKESAVALU, J.

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