



WEB COPY



W.P. No. 27744 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. 27744 of 2022

M/s. VJPS Trust
Rep. by its Founder and President
Mr. T.R.Sahadevan
No.189, Bhuvaneshwari Nagar
First Main Road, Extension
Muthukrishnan Street
Chennai – 600 042.

... Petitioner

-VS-

1. The Principal Secretary
Municipal Administration Department
Secretariat, Chennai-600 009.
2. The District Collector
Rajaji Salai, George Town
Chennai – 600 001.
3. The District Revenue Officer
Rajaji Salai, George Town
Chennai – 600 001.
4. The Thasildar
Sholinganallur Taluk
Chennai – 600 096.
5. The Chairman
XIII Zone
Greater Chennai Corporation
Adyar, Chennai.

... Respondents



W.P. No. 27744 of 2022

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Fifth Respondents to consider the Petitioner's representation dated 27.06.2022 and 20.09.2022 and to lay road or culvert for the benefits of the patients entering into the Hospital in Survey No.658, which is classified as Maanavari Tharisu Poramboku land situated near the entrance of the Petitioner Trust Hospital, namely, VRSI Multi-Speciality Hospital situated at No.189, Muthu Krishnan Street, Bhuvaneshwari Nagar, I Main Road on providing the adequate consideration by the Trust and pass appropriate orders in accordance with law within a stipulated time fixed by the Court.

For Petitioner : Ms. A.Bakkiya Lakshmi

For Respondents : Mrs. R.L.Karthika
Government Advocate (For R1)

Mrs. N.Senthil Selvi
Government Advocate (For R2 to R4)

Mrs. P.T.Ramadevi (For R5)

ORDER

Heard Ms. A.Bakkiya Lakshmi, Learned Counsel for the Petitioner, Mrs. R.L.Karthika, Learned Government Advocate appearing for the First Respondent, Mrs. N.Senthil Selvi, Learned Government Advocate appearing for



W.P. No. 27744 of 2022

the Second to Fourth Respondents and Mrs. P.T.Ramadevi, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition had been filed for directing the First and Fifth Respondents to consider the representations dated 27.06.2022 and 20.09.2022 made by the Petitioner to lay road or culvert for the benefit of the patients entering into the Hospital in S. No. 658, which is classified as Maanavari Tharisu Poramboku land situated near the entrance of the Hospital of the Petitioner, viz., VRSI Multi-Speciality Hospital, situated at No. 189, Muthu Krishnan Street, Bhuvaneshwari Nagar, I Main Road on providing adequate consideration by the Trust of the Petitioner and pass orders thereon.

3. In furtherance to the order passed on 18.10.2022 by the Court, Learned Government Advocate appearing for the Second to Fourth Respondents has produced proceedings in Na. Ka. No. 5097/2022/Aa1 dated 14.11.2022 passed by the Fourth Respondent disposing the representation dated 20.09.2022 made by the Petitioner and Learned Counsel for the Petitioner also acknowledges its receipt. In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition.



W.P. No. 27744 of 2022

4. Further, the Fourth Respondent in his Counter-Affidavit dated 22.11.2022 has explained with details the reasons for not accepting the claim of the Petitioner, which is extracted below:-

“2. It is respectfully submitted that the land comprised in Survey No.658/1A of Pallikarani Village, Sholinganallur Taluk with an extent of 0.85.40 Hectares, classified as “Government Tharisu” as per revenue records.

3. It is respectfully submitted that petitioner herein sent a letter dated 20.09.2022, with a request to allot a piece of land (30 sq. ft. X 95 sq. ft. = 2850 sq. ft.) comprised in above said Survey Number and to form a new road for the public entering the VRSI Hospital.

4. It is respectfully submitted that the Petitioner's Hospital lies in Velachery Village and Taluk Jurisdiction and a road is also present for ambulance plying to the said Hospital. Further, the land requested by the Petitioner was inspected and it was found that a natural culvert like structure is present in the field and it serves as natural drain for storm water.



W.P. No. 27744 of 2022

WEB COPY

5. *It is respectfully submitted that the Petitioner herein has encroached the said land by way of constructing illegal structures like Unauthorized Road, Hospital Front Entrance Arch, Food Processing Facility, Marriage Matrimonial Centre, Watchman Quarters and Vehicle Parking. The above- mentioned illegal structures constructed by the Petitioner herein were removed on 06.08.2022 by the Tahsildar, Sholinganallur Taluk as per the direction of Hon'ble First Bench of High Court of Madras in Suo Motu W.P.No.8028 of 2018 dated 27.01.2022.*

6. *It is respectfully submitted that the said land was earlier recommended for alienation in favour of Metropolitan Transport Project (Railways), Chennai in the year 2008, and presently utilized by the railway service between Chennai Beach and Velachery Station.*

7. *It is respectfully submitted that the land has been already allotted to the Metropolitan Transport Project (Railways) and after the construction of the Railway station and formation of 60 feet road connecting Velachery and*



W.P. No. 27744 of 2022

WEB COPY

Tharamani. The said land has become a natural culvert like structure for draining the abundant rainwater /storm water.

8. *It is respectfully submitted that the Petitioner herein was informed vide Tahsildar, Sholinganallur Taluk Lr. No. Naa.Kaa. No. 5097/2022/Aa1 dated 14.11.2022 that the said land could not be allotted for formation of road since it has been already allotted to Metropolitan Transport Project (Railways) and also the encroachments in the same piece of land was removed as per the Hon'ble First Bench of High Court of Madras in Suo Motu W.P. No. 8028 of 2018 dated 27.01.2022 and to protect the storm water drain.*

9. *It is respectfully submitted that the Petitioner herein suppressing the above facts have approached the Hon'ble Court not with clean hands. The Petitioner is well aware of the Hon'ble Court order in Suo Motu W.P. No. 8028 of 2018, the encroachments made by the Petitioner herein were removed after according heavy manpower from the Greater Chennai Corporation, Police and Revenue Departments. The*



W.P. No. 27744 of 2022

*Petitioner intention to grab the said land under the guise of
road for Hospital request. ”*

Inasmuch as the claim made by the Petitioner is untenable, it cannot be entitled to any relief as sought in the Writ Petition.

In fine, the Writ Petition, which is devoid of merits, is dismissed. No costs.

24.11.2022

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Index: Yes/No

Note: Issue order copy by 06.01.2023.

To

1. The Principal Secretary
Municipal Administration Department
Secretariat, Chennai-600 009.
2. The District Collector
Rajaji Salai, George Town
Chennai – 600 001.
3. The District Revenue Officer
Rajaji Salai, George Town
Chennai – 600 001.
4. The Thasildar
Sholinganallur Taluk
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5. The Chairman



W.P. No. 27744 of 2022

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W.P. No. 27744 of 2022

P.D. AUDIKESAVALU, J.

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W.P. No. 27744 of 2022

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