



W.P.No.2674 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.2674 of 2023

Sakthipuram Makkal Nala Sangam
rep. by its President B.Selvadurai
66/79, Sakthipuram 2nd Street
Wimco Nagar
Chennai 600 057.

.. Petitioner

Vs.

1. Chennai Metropolitan Development Authority (CMDA)
Thalamuthu-Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.
3. The Tahsildar
Thiruvottiyur High Road
Near Ellaiamman Koil
Thiruvottiyur
Chennai 600 019.

.. Respondents



W.P.No.2674 of 2023

WEB COPY

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the third respondent to measure and mark the 60 feet width of the Sakthipuram Main Road connecting the Thiruvottiyur High Road on its western side with Ennore Express Road on the eastern side as per the layout approved for TS No.168/10B in TP Scheme No.2, in Thiruvottiyur Municipality by the Joint Director of Town Planning, Government of Madras and issued by the Thiruvottiyur Municipality vide TP/DTP No.362/63 and revised Plan No.TP/DTP No.135/65, presently under the Greater Chennai Corporation, Chennai, remove all encroachments and restore the same to the use of the residents within the time frame as may be fixed by this Court.

For the Petitioner : Mr.S.Sridharan

For the Respondents : Mr.R.Sivakumar
for Respondent-1

Mr.D.B.R.Prabhu
for Respondent-2

Mr.A.Selvendran
Special Government Pleader
for Respondent-3

ORDER

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

The petitioner seeks a direction to the third respondent to measure and mark 60 feet width of Sakthipuram Main Road and to



W.P.No.2674 of 2023

WEB COPY

remove the encroachments and restore the same to its original position, for usage of the local residents, within a time to be stipulated by this court.

2. According to the petitioner, it is a registered society and was formed for the welfare of the residents of Sakthipuram, Wimco Nagar, Thiruvottiyur. It is stated by the petitioner that as per the approved layout of Sakthipuram, there is a 60 feet width road known as Sakthipuram Main Road, which connects Thiruvottiyur High Road on the west and Ennore Express Road on the east and there are industrial units on the northern side. While so, the metro station started functioning from February, 2021. Consequently, the two way traffic on the Sakthipuram Main Road has increased substantially. There are frequent traffic jams and the residents find it difficult to walk on the road. The reasons for the same, according to the petitioner, are that several industries on the northern side of the road expanded their facilities and encroached more than 35 feet of the Sakthipuram Main Road by constructing compound walls, as a result of which, the width of 60 feet road made for public use, is now less than 25 feet. That apart, an industrial unit, Ennore Steel Enterprises put up thick concrete platform of 2 feet height on the 30



W.P.No.2674 of 2023

WEB COPY

feet width of Sakthipuram Main Road for a length of 153 meters.

Recently, one Mugesh attempted to develop the encroached lands into plots and sell them to the general public; and that, he made efforts to remove the compound wall, to facilitate free access to the investors. Though the same was objected by the petitioner, the said Mugesh demolished the compound wall, with the help of police officials on the night of 10.12.2022, which would affect the stability of the houses of the members of the petitioner Association and cause damage to their buildings. Therefore, the petitioner made a representation to the respondents on 27.10.2022. Upon receipt of the same, the Tahsildar, Thiruvottiyur Taluk and the Assistant Engineer, Chennai Corporation directed the Special Tahsildar, Town Land Tax Scheme, to measure and mark the 60 feet width of the Sakthipuram Main Road, but no action has been taken in this regard. Hence, the petitioner made another representation to the respondents on 13.12.2022, which has also not been considered, till date. Even the third representation dated 28.12.2022 sent to the revenue officials did not yield any fruitful result. Thus, this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the third



W.P.No.2674 of 2023

WEB COPY

respondent to consider their representations dated 27.10.2022, and 13.12.2022, and pass orders, on merits and in accordance with law, within a time frame to be stipulated by this court.

4. There is no serious objection on the side of the respondent authorities for granting such relief to the petitioner.

5. Having regard to the submissions so made by the learned counsel on either side and also taking note of the facts and circumstances of the case, without going into the merits of the case, this writ petition is disposed of, by directing the third respondent to consider the representations of the petitioner dated 27.10.2022 and 13.12.2022 and pass appropriate orders, with regard to removal of encroachment, after measuring the 60 feet width of the Sakthipuram Main Road, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that such an exercise shall be made on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned. There will be no order as to costs.



W.P.No.2674 of 2023

WEB COPY

(R.M.D.,J.) (M.S.Q., J.)
03.02.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

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R.MAHADEVAN,J,
and
MOHAMMED SHAFFIQ, J.

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W.P.No.2674 of 2023

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