



W.P.No.2016 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2016 of 2019

N.Shanmugham

.. Petitioner

Vs

- 1 The Chennai Metropolitan Development Authority
Rep. by its Member Secretary
Thalamuthu Natarajan Building
No.1 Gandhi Irwin Road
Egmore Chennai – 8.
- 2 The Commissioner
Corporation of Chennai
Ripon Building, Chennai.
- 3 The Collector
Chennai District.
- 4 The Tahsildar
Ambattur Taluk
Chennai – 53.
- 5 The Tamil Nadu Housing Board
Rep. by its Managing Director
Anna Salai, Chennai – 53.



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6 The Government of Tamil Nadu
Rep. by Secretary, Land Administration
Ezhilagam Chepauk
Chennai - 5.

7 N.Devarajan

8 Kupidisaatham Narayanasamy Educational Trust
Rep. by its Founder Trustee Devarajan
A.L.80, 4th Cross Street
11th Main Road Anna Nagar
Chennai - 40.

9 The Assistant Commissioner
7th Zone Corporation Greater Chennai
Ambattur, Chennai - 53.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 6th respondent to consider and pass orders on the representation dated 25.10.2016 seeking restoration of road in S.No.253/12 Padi Village.

For the Petitioner : Mr.Nasser Hussain
for M/s.N.A.Nissar Ahmed

For the Respondents : Mr.Thamaraiselvan
Standing Counsel
for 1st respondent

: Mr.Manibharathi
Standing Counsel
for respondents 2 and 9



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- : Mr.K.Karthik Jagannath
Government Advocate
for respondents 3, 4 and 6
- : Mr.D.Veerasekaran
Standing Counsel
for 5th respondent
- : Mr.M.R.Jothimanian
for 7th respondent
- : Mr.P.Kumaresan
for 8th respondent

ORDER

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

Heard Mr.Nasser Hussain, learned counsel for the petitioner; Mr.Thamaraiselvan, learned Standing Counsel for the first respondent; Mr.Manibharathi, learned Standing Counsel for respondents 2 and 9; Mr.K.Karthik Jagannath, learned Government Advocate for respondents 3, 4 and 6; Mr.D.Veerasekaran, learned Standing Counsel for the fifth respondent; Mr.M.R.Jothimanian, learned counsel for the seventh respondent; and Mr.P.Kumaresan, learned counsel for the eighth respondent.



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2. Learned counsel for the petitioner submits that Survey No.253/12 is a road. The school has encroached upon the road. According to learned counsel for the petitioner, though the school is said to be situated in Survey No.253/11, the respondent authorities have not considered that the school has encroached upon the road forming part of Survey No.253/12.

3. An affidavit is filed by the Tamil Nadu Housing Board to suggest that the school is located in Survey No.253/11 Part and has not encroached upon the road in Survey No.253/12. The Tamil Nadu Housing Board may not have any mala fide intention.

4. It is for the Corporation to oversee that the roads are properly maintained and no encroachment is caused upon the road. The Corporation may survey the property. If the Corporation finds any encroachment on road, then action may be taken in accordance with law.



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The writ petition is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

10.11.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
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