



WEB COPY



W.P.No.3521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.3521 of 2023

T.Rajendran

.. Petitioner

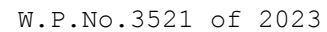
Vs.

1.The Government of Tamil Nadu
Represented by its Secretary to
Government, Municipal Administration
& Water Supply Department
Fort St. George, Chennai-600 009.

2.The Commissioner
Corporation of Chennai
Ripon Buildings
Park Town, Chennai-600 003.

3.The Commissioner of Police
Office of the Commissioner of Police
No.132, Commissioner Police Building
EVK Sampath Road
Vepery, Chennai-600 007.

4.The Joint Commissioner of Police
Office of the Joint Commissioner of Police
No.255X + VJ5, South Zone
Police Office street, Binny Road
Nazareth Puram
Gandhi Nagar, Chennai-600 016.



11.Mr.S.Suresh
The Sub-Inspector of Police
T-15, Kannagi Nagar Police Station
Okkiyam Thoraippakkam
Chennai-600 097.



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12.Mr.Anbu
The Sub-Inspector of Police
T-15, Kannagi Nagar Police Station
Okkiyam Thoraippakkam
Chennai-600 097.

13.Junior Engineer
Zone No.15, Greater Chennai Corporation
No.120, Rajiv Gandhi Salai
Old Mahabalipuram Road
Sholinganallur, Chennai-600 119.

14.Mr.Suresh
Greater Chennai Corporation
No.120, Rajiv Gandhi Salai
Old Mahabalipuram Road
Sholinganallur, Chennai-600 119.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondents or their men, servants, agents, nominees, assignees, administrators, successors in Office, its constructors or any other public persons claiming through them either directly or indirectly from interfering into the writ petitioner's land which is more particularly described the petitioner's properties in Survey Nos.123/6A, 123/6C, 123/7B and 123/8B vide patta No.313 to the writ petition and the writ petition for construction of drainages work, to lay Tar road or for any other purpose without any authority absolutely forever and his properties



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are situated at Chennai District, in Sholinganallur Taluk, Karappakkam Village.

For Petitioner : Mr.D.Selvam
for Mr.J.Arul Prakasam
For RR1, 3, 4,
6 & 7 : Mr.A.Selvendran
Special Government Pleader
For RR2, 5, 9,
10, 13 & 14 : Mr.D.B.R.Prabhu
Standing Counsel for Chennai Corporation

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present writ petition for forbearing the respondents or their men, servants, agents, nominees, assignees, administrators, successors in Office, its constructors or any other public persons claiming through them either directly or indirectly from interfering into the writ petitioner's land and for construction of drainage work, to lay Tar road or for any other purpose without any authority absolutely forever and his properties are situated at Chennai District, in Sholinganallur Taluk, Karappakkam Village.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1,



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3, 4, 6 & 7 and the learned Standing Counsel appearing for the respondents 2, 5, 9, 10, 13 & 14 and perused the entire materials on record.

3. According to the petitioner, on the eastern side of his property situated in Survey Nos.123/6A, 123/6C, 123/7B and 123/8B vide patta No.313 measuring 17 cents is the private road belonging to the petitioner. Earlier, when the respondents tried to interfere with the rights of the petitioner, he gave a representation to the respondents and no order was passed on his representation. Hence, the petitioner has filed W.P.No.9390 of 2015. This Court by the order dated 31.03.2015 disposed of the said Writ Petition directing the Commissioner & Zonal Officer, Corporation of Chennai, the respondents 2 & 5 herein, to issue notice to the petitioner and proceed with the matter in accordance with law, after giving an opportunity of personal hearing to the petitioner and pass orders within three weeks from the date of receipt of copy of that order. Against the said order, the petitioner filed W.A.No.667 of 2015. The Division Bench of this Court while dismissing the said Writ Appeal, by the judgment dated 19.06.2015 directed the respondents 2 & 5 to pass orders on the representation of the petitioner and further directed to maintain status-



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quo as directed by the Writ Court. According to the petitioner, the respondents 2 & 5 without complying the order passed in the Writ Petition as well as Writ Appeal, are trying to lay the drainage channel and Tar road in the private property belonging to the petitioner. Hence, the petitioner has come out with the present Writ Petition for the above stated relief.

4. When the Writ Petition was taken up for hearing on 08.02.2023, Mr.D.B.R.Prabhu, learned Standing Counsel took notice for the respondents 2, 5, 9, 10, 13 & 14 and submitted that the petitioner is not co-operating for conducting enquiry and hence, no final order is passed on his representation.

5. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1, 3, 4, 6 & 7 submitted that the Tahsildhar has filed report stating that it is public road.

6. Today, when the matter is taken up for hearing, Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents 2, 5, 9, 10, 13 & 14 submitted that Regional Deputy



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Commissioner has passed order on 18.08.2015 and has produced the same.

7. From the said order, it is seen that the Regional Deputy Commissioner has not issued any notice to the petitioner and he has rejected his representation on the ground that the petitioner did not appear for enquiry. This Court by the order dated 31.03.2015 made in W.P.No.9390 of 2015 directed the respondents 2 & 5 to issue notice to the petitioner and to proceed with the matter in accordance with law, after giving an opportunity of personal hearing to the petitioner. The respondents 2 & 5 have not issued any notice to the petitioner and not passed any orders.

8. Considering the above submissions made by the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1, 3, 4, 6 & 7, without deciding the issue on merits with regard to title of the property, the respondents 2 & 5 are directed to issue notice to the petitioner to the address given in the affidavit filed by him in the present Writ Petition, within four weeks from the date of receipt of a copy of this order. On receiving notice, the



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petitioner is directed to co-operate in conducting enquiry. The 2nd respondent is directed to consider the documents and other evidence filed by the petitioner and pass a reasoned order as per the earlier order passed by the Division Bench of this Court dated 19.06.2015 in W.A.No.667 of 2015 within a period of eight weeks thereafter. Till such time, the respondents are directed to maintain status-quo. If any adverse order is passed, it is open to the parties to agitate the same before the Civil Court with regard to title of the property.

9. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
27.02.2023

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

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7.The Assistant Commissioner of Police
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**V.M.VELUMANI,J.
and**

V.LAKSHMINARAYANAN,J.

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