



W.P.No.5990 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5990 of 2023

Palani

.. Petitioner

Vs

- 1 The District Collector
Chengalpet District, Collectorate Building
Chengalpet District.
- 2 The Commissioner
Corporation of Tambaram
Tambaram.
- 3 The Tahsildar
Tambaram Taluk, Tambaram
Chennai - 600 045.
- 4 The Revenue Inspector
Tambaram Taluk, Tambaram
Chennai - 600 045.

5 Rajadurai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct respondents 1 to 4



W.P.No.5990 of 2023

to remove the encroachment made in Old S.No.267/3A1, New S.No.72, Tambaram Taluk, Pulikoradu Village, now Tambaram Village, Chengalpet District, within the limit of Corporation of Tambaram and lay a asphalt road.

For the Petitioner : Mr.S.Sathyaraj

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 4

ORDER

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

Palani, son of Veerabathiran, a resident of No.28/46, V.O.C. Street, Kasthuribai Nagar, West Tambaram, Tambaram, Chennai-45, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 4 to remove the encroachment made in Old S.No.267/3A1, New S.No.72 situated at Pulikoradu Village, now Tambaram Villge, Chengalpet District.

2. In support of the prayer made in the writ petition, Mr.S.Sathyaraj, learned counsel for the petitioner, drew our attention to a copy of the Town Survey Land Register in respect of



W.P.No.5990 of 2023

Old S.No.267/3A1, New S.No.72, Pulikoradu Village, now Tambaram Village, Chengalpet District and submitted that the said land is classified as "Boosthuthi Pathai" and, therefore, the encroachment made by the fifth respondent has to be removed.

3. Adding further, learned counsel for the petitioner submitted that pursuant to the representation of the petitioner dated 30.7.2021, the Town Surveyor has already visited the property in question and having found that the owner of the land in Survey No.70 has encroached upon the "Boosthuthi Pathai", he had submitted his report dated 10.8.2021 to the Tahsildar, Tambaram. Learned counsel further submitted that based on the report of the Town Surveyor, the Tahsildar, Tambaram has sent a communication on 4.11.2022 to the Commissioner, Tambaram Corporation to remove the encroachment made in New S.No.72. Although the third respondent Tahsildar stated in his letter that there is an encroachment, till date no steps have been taken to remove the encroachment made in the "Boosthuthi Pathai" comprised in New S.No.72.



W.P.No.5990 of 2023

WEB COPY

4. At this juncture, Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 4, submitted that, if four weeks' time is granted, the respondent authorities will remove the encroachment made in "Boosthuthi Pathai".

5. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to respondent 1 to 4 to remove the encroachment made in the "Boosthuthi Pathai" comprised in New Survey No.72, Old S.No.267/3A1 situated at Pulikoradu Village, now Tambaram Village, Chengalpet District, within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
28.02.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr



W.P.No.5990 of 2023

WEB COPY

To:

- 1 The District Collector
Chengalpet District, Collectorate Building
Chengalpet District.
- 2 The Commissioner
Corporation of Tambaram
Tambaram.
- 3 The Tahsildar
Tambaram Taluk, Tambaram
Chennai - 600 045.
- 4 The Revenue Inspector
Tambaram Taluk, Tambaram
Chennai - 600 045.



WEB COPY



W.P.No.5990 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

bbr

W.P.No.5990 of 2023

28.02.2023