



W.P.No.14809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

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Teachers Colony Residents Association,
rep. by its President John Koil,
Ward No.33, Alandur Municipality,
No.2, Teachers Colony, Meenambakkam,
Chennai-600 027.

.. Petitioner

Vs

- 1.The District Collector,
Chennai District,
Singaravelar Maaligai,
No.62, Rajaji Road,
Chennai-600 001.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.
- 3.The Superintending Engineer (H),
Construction and Maintenance,
Chennai City Roads Circle,
Near Gemini Flyover,
No.299, Anna Salai,
Chennai-600 006.



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4.The Deputy Chief Engineer (H),
Office of the Divisional Engineer,
Highways – City Roads Division,
2nd Floor “D” Wing, Panagal Building,
Saidapet, Chennai-600 015.

5.The Divisional Engineer (H),
Construction and Maintenance
Chennai City Roads Division,
No.394/4, Anna Salai, Saidapet,
Chennai-600 015.

6.The Divisional Engineer (H),
Projects Division-I,
No.110A, GST Road, Chrompet,
Chennai-600 044.

7.The Assistant Divisional Engineer (H),
Construction and Maintenance,
Tambaram Sub-Division,
Chennai-600 042.

8.The Thasildar,
Alandur Taluk,
Alandur, Chennai-600 016.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents 1 to 6 and 8 to take all legal action against the seventh respondent for construction of storm water drainage which causes the encroachment and to restore the full width of 20 feet road of the boundary of the Palavanthangal Service Road in Survey No.57B of Palavanthangal Village, Chennai as per the approved plan of the seven respondent by following due process of law.



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For the Petitioner : Mrs.K.Subhashini
for M/s.Chennai Law Associates

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1, 3 to 8

: Mr.A.Arun Babu
Standing Counsel
for respondent No.2

ORDER

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

We have heard Mrs.K.Subhashini, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for respondents 1, 3 to 8 and Mr.A.Arun Babu, learned counsel for the second respondent.

2. Learned counsel for the petitioner submits that letters are issued to take action against the encroachments that restricted access to the residents of the locality from using the bridge to go to the other side of the service road. Learned counsel further submits



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that the seventh respondent constructed the storm water drain abutting the service road. Prior to the construction of the said storm water drain, the width of the said service road was 19 feet. Now the width of the service road, after construction of the storm water drain, has been reduced to 8 feet at the entrance. The said service road, as has shrunk, cannot be used for commuting purpose. Even ambulances cannot pass.

3. The status report is filed by the seventh respondent stating that during the rainy season, floodwaters from nearby areas tend to accumulate and flood the service road of the subway. Because of the illegal activities of making holes in the parapet wall of the subway, the excess water is directed into the subway. This illegal activity leads to the quick submergence of the subway and causes hindrance to commuters leading to heavy traffic and potential fatalities. To prevent this, the drain was raised and constructed by less than one foot from the existing service road level, adhering to highways norms. The contention of the petitioner that ambulances cannot enter the road and that the ambulance service cannot be



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availed by the public is incorrect. It is further stated that the service road is truncated at the entrance.

4. Learned Government Pleader submits that assurance has been given by the seventh respondent to remove the drain top slab and merge it along with the service road, so that the drain is motorable and at road level in both sides of the subway. Learned Government Pleader further submits that necessary permission has to be obtained for the aforesaid process.

5. As the said service road is truncated at the entrance, steps shall be taken to remove the drain top slab and merge it along with the service road so that the drain is motorable and at road level in both sides of the subway and to maintain 20 feet road as is assured in the status report. The said work shall be carried out preferably by 30th October, 2023.



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6. The writ petition is, accordingly, disposed of. There will be no order as to costs. Consequently, W.M.P.No.14363 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To:

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