



W.P.No.12952 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.12952 of 2023

B.Thara Bai

.. Petitioner

Vs.

1.The District Collector
Collectorate, Chennai-1.

2.The Zonal Officer
Zone-12
Greater Chennai Corporation
Chennai.

3.The Tahsildar
Alandur, Chennai.

4.The Assistant Commissioner of Police
Land Grabbing Cell
EVK Sampath Road, Vepery
Chennai-7.

5.The Assistant Commissioner of Police
Land Grabbing Cell
Avadi Police Commissionerate
Avadi
Chennai.



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6. The Inspector of Police
T-14, Mangadu Police Station
Mangadu
Chennai.

7.S.Sivakumar

8.The Commissioner
Mangadu Municipality
Mangadu.

.. Respondents

(R8 suomotu impleaded vide order
of this Court dated 26.04.2023)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to remove the unauthorised and illegal construction made by the 7th respondent in the public cart tract in SF.No.23/1, Mugalivakkam Village, Chennai, based on the representation of the petitioner.

For Petitioner : Mr.K.Thilageswaran

For R1, R3 to R6 : Mr.E.Vijay Anand
Additional Govt. Pleader

For R8 : Mrs.R.L.Karthika
(newly impleaded Government Advocate
respondent)



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ORDER

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

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The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 3 to remove the unauthorised and illegal construction made by the 7th respondent in the public cart track in SF.No.23/1, Mugalivakkam Village, Chennai, based on the representation of the petitioner.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the respondents 1, 3 to 6, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as learned Additional Government Pleader appearing for the respondents 1, 3 to 6 and perused the entire materials on record.

4. According to the petitioner, she has purchased a land along with super structure in Mugalivakkam Village. There is a public cart track in S.F.No.23/1 on the western side of the petitioner's land and building. The



7th respondent has illegally encroached the said public cart track and 150 sq.ft. of the petitioner's land by constructing a super structure. The petitioner's right to access the said cart track was obstructed and she could not do any renovation work in her building on the western side. In this regard, the petitioner made a representation to the respondents 1 to 6. The Surveyor and Village Administrative Officer have also surveyed the said land and submitted the report to the 3rd respondent stating that the 7th respondent has encroached the said cart track and petitioner's land. The 7th respondent himself has admitted the encroachment and sought time to remove the same within a period of two months. The 3rd respondent by his proceedings dated 10.02.2023 directed the 4th respondent to take appropriate action based on the enquiry and report submitted. Till date, no action has been taken on the petitioner's representation and hence the petitioner has come out with the present Writ Petition.

5. Learned Additional Government Pleader appearing for the respondents 1, 3 to 6 submitted that the Commissioner, Mangadu Municipality is the competent authority to take action for the unauthorised construction. In view of the same, the respondents 1, 3 to 6 have not taken any action and prayed for passing suitable orders.



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6. In view of the above submissions, this Court suo motu impleads

“The Commissioner, Mangadu Municipality, Mangadu” as 8th respondent in this Writ Petition. Mrs.R.L.Karthika, learned Government Pleader takes notice for the newly impleaded 8th respondent.

7. Considering the nature of relief sought for in the present Writ Petition along with the submissions made on either side, the newly impleaded 8th respondent is directed to inspect the property in question within a period of two weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as 7th respondent and if there is any unauthorised construction, take appropriate proceedings as per the law, within a period of eight weeks thereafter.

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

(V.M.V., J) (V.L.N., J)
26.04.2023

Index :Yes/No

Neutral Citation : Yes/No

Note:Registry is directed to carry out necessary amendment in the cause title.

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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

To

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2.The Zonal Officer
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