



W.P.No.20550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM :

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

AND

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

W.P.No.20550 of 2023

Sakthi Garden Owners Welfare Association
Represented by its Secretary S.Chandran
No.79, Sakthi Garden Phase III
Senneerkuppam, Poonamallee
Chennai 600 056.

.. Petitioner

Vs.

1. The District Collector Tiruvallur
Tiruvallur District Collectorate Complex
Tiruvallur 602 001.
2. The Block Development Officer
Trunk Road, Poonamallee
Chennai 600 056.
3. The Commissioner
Poonamallee Panchayat Union
Trunk Road, Poonamallee
Chennai 600 056.
4. The Tahsildar
Taluk Office, Poonamallee
Chennai 600 056.



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5. The Asst. Commissioner of Police
Office of the Asst. Commissioner of Police
No.13/31, James Street
Muthukumaran Nagar
Poonamallee, Chennai 600 056.

6. The Inspector of Police
Poonamallee Police Station
Poonamallee, Chennai 600 056.

7. N.Kavitha

8. T.G.Saravanan .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the respondents 1 to 4 to take immediate and appropriate steps to remove the encroachments of 7ft over the 40ft wide road namely 2nd Main Road of Sakthi Gardens Phase-III which is running North to South and demolish the illegal and unlawful superstructures put up by the 8th respondent in both the said plots without leaving any set back in violation of building rules, forthwith without any further delay.

For the Petitioner : Mr.G.Ilangovan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader



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for Respondents 1, 2 & 4 to 6

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.G.Ilangovan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents 1, 2 and 4 to 6.

2. Learned counsel for the petitioner submits that TASMACH shop has encroached on the road.

3. Learned State Government Pleader placed on record the communication received from the Tahsildar, Poonamallee.

4. The relevant extracts of the said communication read as under:

“On perusal of village accounts it reveals that the said survey number 31/4B is now subdivision to 4 parts respectively survey numbers 31/4B1, 31/4B2, 31/4B3,



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31/4B4. Now the TASMAC is running in Survey number 31/4B1 and the said public road is also in same survey number. On perusal of FMB the Survey number 31/41B is still not subdivided. The Survey number 31/41B is a patta land stands in Tmt.Shanthi, she is a previous owner of the said property. Now the property belongs to Mr.Saravanan.

On 13.07.2023 the Surveyor reported that the Survey No.31/4B Plot No 1 and Plot No.2 is located in North side 53.3 Sq.ft. South side 46 feet. In the said Land North side 57.3 Sq.ft. South side 50 feet is located in the west side of road 4 feet is encroached in the way of Building and shed means 4 feet breadth and 9.5 ft. Length 4 feet breadth and 95 feet length $4 \times 95 = 380$ Sq.ft. encroached by the TASMAC is found in the Plot No.1 & 2 owner Thiru.G.Saravanan.

The encroacher accepted themselves to remove the encroached portion and hand it over to the owner of Thiru.G.Saravanan, Plot No.1 & 2. This is for your kind perusal.”

5. Learned State Government Pleader submits that as it is noticed that the TASMAC shop has made encroachment, the authorities would take appropriate steps for removal of the same.



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6. In view of the aforesaid statement, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.19930 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

21.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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