



W.P.No.11743 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM :

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

AND

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

W.P.No.11743 of 2023

D.Jothilakshmi

.. Petitioner

Vs.

1. The District Collector / DRO
Chengalpattu District.

2. The Tahsildar
Chengalpattu Taluk, Chengalpattu District.

3. The Commissioner
Maraimalai Nagar Municipality
Chengalpattu District.

4. D.Gajalakshmi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing

(a) the second respondent Tahsildar, Chengalpattu Taluk, to earmark the encroached portion of 20 feet public road in Survey No.125/1, Sri Ganapathy Nagar Colony Extn.5, Panangottur Village,



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Maraimalai Nagar, Chengalpattu Taluk and also encroachment of 4 meters in the petitioner's property eastern side in Survey No.125/317, in Sri Ganapathy Nagar Colony Extn.5, Panangottur Village, Chengalpattu Taluk, consequential relief

(b) directing the third respondent Commissioner, Maraimalai Nagar Municipality to remove the encroachment of 20 feet public road encroached by the fourth respondent in Survey No.125/1 and also encroachment of fourth respondent on the eastern side of the petitioners property measuring 4 meters in Survey No.125/317, Sri Ganapathy Nagar Colony Extn.5, Panangottur Village, Maraimalai Nagar, Chengalpattu Taluk, Chengalpattu District, as per the survey report of second respondent Tahsildar, Chengalpattu Taluk issued to the third respondent on 20.10.2022.

For the Petitioner : Mr.C.Kanagarajan

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for R1 & R2

Mr.P.Srinivas
for R3

No Appearance for R4



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.C.Kanagarajan, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the first and second respondents and Mr.P.Srinivas, learned counsel for the third respondent.

2. Learned counsel for the petitioner submits that encroachment has been made by the fourth respondent on his private property and also on the public road.

3. As far as encroachment on the private property is concerned, this Court would not entertain the writ petition under Article 226 of the Constitution. We would only entertain the petition if the encroachment alleged is on the public road.

4. Learned Special Government Pleader submits that on 28.06.2023, survey would be conducted and further steps would be taken as per the survey report.



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5. In view of that, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., C.J.)

(P.D.A., J.)

26.06.2023

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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