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W.P.No.12644 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12644 of 2023
and
W.M.P.No.12431 of 2023

S.Jaya

... Petitioner

Vs.

1.The Executive Engineer cum Zonal Officer,
Greater Chennai Corporation,
The Assistant Commissioner Office,
Zone-3, Madhavaram,
No.1, Thattankulam Road,
Madhavaram, Chennai – 600 060.

2.The Assistant Commissioner,
Greater Chennai Corporation,
Zone-3, Madhavaram,
No.1, Thattankulam Road,
Madhavaram, Chennai – 600 060.

3.The District Revenue Officer,
Land and Administration,
Revenue Department,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

4.Krishnamurthy

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from in any way interfering with the peaceful possession and enjoyment of the property of the petitioner thereby putting up any construction or development or any other activities in the property situated in S.F.No.98/2 to an extent of 0.51 cents now subdivided as S.F.No.98/2A1A1 to an extent of 16.50 Ares and S.F.No.98/2A1B to an extent of 3.00 Ares total extent of 19.50 Ares or 0.50 cents at Kathirvedu Village, Madhavaram Taluk, Chennai District.

For Petitioner	: Mr.N.Umpathi
For R1 to R3	: Mrs.Aswinin Devi.K Standing Counsel for Greater Chennai Corporation

ORDER

The writ of mandamus has been instituted to forbear the respondents 1 to 3 from anyway interfering with the peaceful possession and enjoyment of the property of the petitioner thereby putting up any construction or development or any other activities in the property situated in S.F.No.98/2 to an extent of 0.51 cents now subdivided as S.F.No.98/2A1A1 to an extent of 16.50 Ares and S.F.No.98/2A1B to an extent of 3.00 Ares total extent of 19.50 Ares or 0.50 cents at Kathirvedu Village, Madhavaram Taluk, Chennai District.



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2. The petitioner states that she is the owner of the property more fully described in the present writ petition. The petitioner states that her husband was in peaceful possession and enjoyment of the said property. After the death of her husband, the petitioner is in possession and enjoyment.

3. The grievances of the writ petitioner is that the Greater Chennai Corporation authorities attempting to construct a Park in the land belonging to the petitioner. The representation given by the petitioner in this regard went in vein and thus, the petitioner is constrained to move the present writ petition.

4. In order to ascertain the fact, this Court directed the respondents Chennai Corporation to produce records. The learned counsel appearing on behalf of the Chennai Corporation furnished the copy of the Gift Deed No.5763 dated 15th December 1999. At the time of forming layout, the owners of the property has gifted the subject property for forming roads and for maintenance of Parks, which is mandatory under the Town and Country



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Planning Act. The Gift Deed was executed in favour of the Commissioner, Puzhal Panchayat Union, which was subsequently brought under the Chennai Corporation in the year 2011. Therefore, now the Corporation authorities based on the layout approval and based on the Gift Deed executed by the owners are empowered to form roads and to construct and Park for the benefit fo the people, who all are residing in that locality. If at all there is any contradiction or otherwise with reference to the Survey Number or otherwise, it is for the petitioner to approach the competent authorities.

5. With these observations, the writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

06.07.2023

kak/skr
Index : Yes
Speaking order



To

- 1.The Executive Engineer cum Zonal Officer,
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- 2.The Assistant Commissioner,
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S.M.SUBRAMANIAM, J.

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