



WP No.19673 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.19673 of 2019
and WMP No.19192 of 2019

Krishnaveni

.. Petitioner

-VS-

1. The District Collector,
Rajaji Salai,
Chennai 600 001.
2. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai.
3. The Tahsildhar,
Egmore-Nungambakkam Taluk,
Chennai 600 031.
4. The Inspector of Police,
Chetpet Police Station,
Chetpet, Chennai-31.
5. M.Munnusamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to



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remove the encroachment made in the common pathway Government land comprised in Survey No.406/194 of Egmore Village situated at Jagannatthapuram 4th Street, Chepet, forthwith.

For the Petitioner : Mr.A.Kalaivanan
For the Respondents : Mrs.R.Anitha,
Spl.G.P. For RR 1, 3 and 4
: M/s.K.Aswini Devi
Standing Counsel for R-2
: Mr.r.Ravichandran Sundaresan for R-5

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Kalaivanan, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.1, 3 and 4, Ms.K.Aswini Devi, learned standing counsel for respondent No.2 and Mr.R.Ravichandran Sundaresan, learned counsel for respondent No.5.

2. Encroachment is alleged on the common pathway of Government land in Survey No.406/194 of Egmore Village situated at Jagannatthapuram 4th Street, Chetpet.



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3. The third respondent has filed a counter-affidavit. It is stated in the affidavit that the details of the ownership of the land comprised in S.No.406/194 of Block No.25 of Egmore village were called for. In the revenue record, the same is classified as 'Circar Poramboke'. The same is a vacant land. The fifth respondent has encroached upon a portion classified as 'Circar Poramboke'. The said land is registered in the name of Government Harijan Welfare Department. The affidavit further states that the fifth respondent has encroached upon a considerable portion of the land in S.No.406/194 of Block No.25 of Egmore Village.

4. The counter-affidavit is also filed by the second respondent. The affidavit states that as per the revenue record, the alleged pathway land is situated in Government poramboke land.

5. According to the fifth respondent, the present land in question is a private passage and it was never a common passage. The petitioner has no right over the same. The said passage is used since his vendors' days.



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6. As per the affidavit of the third respondent, the encroachment exists. If the encroachment is on the Government land, then the respondent authorities are entitled to proceed in accordance with law. If at all the encroachment exists, the respondents shall start the process preferably within six weeks from today. If any such process is initiated, it is open for respondent No.5 to take defence as may be permissible under law.

With this observation, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

sra



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