



W.P.No.22106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM :

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

AND

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

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1.SPE Homes Private Limited,
rep. by its Director P.Lokesh,
No.792, Trunk Road, Poonamallee,
Chennai – 600 056.

2.P.Lokesh
3.P.Saravanan
Petitioners

..

Vs

1.The Commissioner,
Poonamallee Panchayat Union,
Poonamallee, Chennai-600 056.

2.The Assistant Block Development
Officer (Administration),
Poonamallee Panchayat Union,
Poonamallee, Chennai – 600 056.

3.The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.



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4.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai – 600 008.

5.V.Vignesh

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records in notice Na.Ka.No.3457/2022/A3 dated 20.07.2023 on the file of the first respondent and quash the same and direct the respondents 1 to 4 to conduct a survey of the lands comprised in Survey Nos.35/3 Part, 78 Part, 79 Part, 116/2 Part, 117/2 Part, 119/3 Part, 119/1 Part, 34/4A and 4B owned by the second and third respondents and the lands in Survey No.80 owned by the fifth respondent in Pidarithangal Village, Poonamallee Taluk, Thiruvallur District and to demarcate the boundaries of the same before taking any action to demolish the compound wall constructed around the approved layout of SPE MONOCITY in PPD LO No.808/2018 dated 05.06.2018.

For the Petitioners : Mr.N.Ramakrishnan

For the Respondent : Mr.P.Muthukumar
State Government Pleader
assisted by
Mr.K.M.D.Muhilan
Addl. Government Pleader



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for respondent Nos.1 to 3

: Mr.P.Kumaresan
Addl. Advocate General
assisted by
Ms.C.N.Vinoha
Standing Counsel
for respondent No.4

: Mr.P.Krishnan
for respondent No.5

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.N.Ramakrishnan, learned counsel for the petitioners; Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.K.M.D.Muhilan, learned Additional Government Pleader for respondents 1 to 3; Mr.P.Kumaresan, learned Additional Advocate General, assisted by Ms.C.N.Vinobha, learned counsel for the fourth respondent and Mr.P.Krishnan, learned counsel for the fifth respondent.

2. The petitioners are challenging the notice/order dated 20.07.2023 issued by the first respondent directing to remove the compound wall erected by the petitioners.



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3. Learned counsel for the petitioners submits that there is no encroachment. The measurement relied upon by the respondents is behind the back of the petitioners.

4. According to official respondents, measurement was carried out.

5. The contention of respondent No.5 is that because of the compound wall constructed by the petitioners, access to his site is blocked.

6. We would not enter into the contentious facts. It is the contention of the petitioners that survey/measurement was carried out behind the back of the petitioners.

7. To give quietus to the issue, we pass the following order:

(i) The third respondent shall carry out a fresh survey on 17th August, 2023.

(ii) The first petitioner through its representative



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shall remain present on the said date.

(iii) No separate notice is necessary, as the date for measurement has been agreed by all the parties.

(iv) Depending upon the measurement, further steps be undertaken.

8. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.21510 of 2023 is closed. As separate sets of court fee is paid, W.M.P.No.21507 of 2023 is allowed and disposed of.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To:

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Poonamallee Panchayat Union,
Poonamallee, Chennai-600 056.
- 2.The Assistant Block Development Officer (Administration),
Poonamallee Panchayat Union,
Poonamallee, Chennai – 600 056.
- 3.The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.
- 4.The Member Secretary,
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THE HON'BLE CHIEF JUSTICE
AND
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