



WEB COPY



W.P.No.24770 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.24770 of 2023

D.VIJAYABHARATHY

.. Petitioner

Vs

- 1 THE CHIEF SECRETARY  
OFFICE OF THE CHIEF SECRETARY  
SECRETARIAT, CHENNAI.
- 2 THE DISTRICT COLLECTOR  
CHENNAI DISTRICT, CHENNAI.
- 3 THE COMMISSIONER  
GREATER CHENNAI CORPORATION  
CHENNAI.
- 4 THE COMMISSIONER  
URBAN LAND CEILING/  
URBAN LAND TAX COMMISSIONERATE  
EZHILAGAM, CHENNAI.
- 5 THE ASSISTANT COMMISSIONER  
URBAN LAND CEILING/  
URBAN LAND TAX COMMISSIONERATE  
ALANDUR, CHENNAI.



W.P.No.24770 of 2023

WEB COPY

- 6 THE REVENUE DIVISIONAL OFFICER  
CHENNAI DISTRICT, CHENNAI.
- 7 THE TAHSILDAR  
SHOLINGANALLUR TALUK, CHENNAI.
- 8 RPP INFRA PROJECTS LTD.  
REP. BY ITS MANAGING DIRECTOR  
REGISTERED OFFICE AT S.F.NO.454  
RAGHUPATHYNAIKEN PALAYAM  
RAILWAY COLONY (POST)  
POONDURAI MAIN ROAD  
ERODE - 638 002  
HAS CORPORATE OFFICE  
MKM CHAMBERS, NO.42, III FLOOR  
KODAMBAKKAM HIGH ROAD  
NUNGAMBAKKAM, CHENNAI - 600 034

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 2 to 7 to consider the representation dated 15.04.2023 to remove the encroachments after levying penalty to the unauthorised encroacher i.e. the 8th respondent in the Government land property situated at Chennai District, Sholinganallur Taluk, Seevaram Village comprised in Survey Nos.54/1A, 55/1B and 55/1 admeasuring to an extent of 4903.45 square meter.

|                    |                                                                         |
|--------------------|-------------------------------------------------------------------------|
| For the Petitioner | : Mr.Rajeswaran<br>for M/s.Nathan and Associates                        |
| For the Respondent | : Mr.P.Muthukumar<br>State Government Pleader<br>for respondents 1 to 7 |



W.P.No.24770 of 2023

ORDER

WEB COPY

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

Heard Mr.Rajeswaran, learned counsel for the petitioner;  
and Mr.P.Muthukumar, learned State Government Pleader for  
respondents 1 to 7.

2. Learned counsel for the petitioner submits that  
encroachment is caused in Survey Nos.54/1A, 55/1B and 55/1 of  
Sholinganallur Taluk, Seevaram Village, Chennai District.  
Learned counsel relies upon the photographs.

3. As far as S.No.54/1A is concerned, patta is issued.  
According to the respondent authorities, no encroachment is  
observed in Survey No.55/1.

4. The photographs filed by the petitioner do not depict the  
survey number. In a writ petition, it may not be possible to enter  
into disputed questions of fact. In the absence of any authentic



W.P.No.24770 of 2023

WEB COPY

document, no conclusion can be drawn.

5. In case the petitioner can lay his hands on any authentic document with regard to the encroachment, then the petitioner may agitate afresh.

6. The writ petition is dismissed. There will be no order as to costs.

7. Learned counsel for the petitioner submits that pursuant to the order of this court, Rs.50,000/- [Rupees Fifty Thousand only] has been deposited. On instructions, learned counsel for the petitioner graciously submits that a sum of Rs.10,000/- [Rupees Ten Thousand only] be donated to the Chief Minister's Public Relief Fund.

8. In the light of the above, the Registry shall remit Rs.10,000/- [Rupees Ten Thousand only] to the Chief Minister's



W.P.No.24770 of 2023

Public Relief Fund and remaining Rs.40,000/- [Rupees Forty Thousand only] is allowed to be withdrawn by the petitioner.

(S.V.G., CJ.)

(D.B.C., J.)

21.12.2023

Index : Yes/No  
Neutral Citation : Yes/No  
sasi

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WEB COPY



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THE HON'BLE CHIEF JUSTICE  
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W.P.No.24770 of 2023

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