



WEB COPY

W.P.No.24726 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24726 of 2023
and
W.M.P.No.24161 of 2023

D.Renuka Devi

...Petitioner

Vs.

1.The District Collector,
Chennai District,
Singaravelar Maaligai,
Rajaji Salai, Chennai – 1.

2.The District Revenue Officer,
Assistant Commissioner,
Zone XII,
Greater Chennai Corporation,
Alandur, Chennai – 600 016.

3.The Tahsildar,
Alandur,
Chennai – 600 016.

4.S.Shanmugavalli

5.S.Meenakshi Shankar

6.S.Vijayalakshmi

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from demolishing the petitioner's building comprised of house ground and premises bearing Door No.6, Vembuilamman Koil Street Extension, Brindavan Nagar, Pazhavanthangal, Chennai – 600 114 comprised in S.Nos.89/3 and 100/1 measuring 208.2 sq.mts. either by themselves, their workmen, agents and representatives.

For Petitioner	: Mr.D.Ashok Kumar
For R1 & R3	: Mr.P.Sanjay Gandhi Government Advocate
For R2	: Mr.E.C.Ramesh Standing Counsel
For R4 to R6	: Mrs.P.Rajalakshmi

ORDER

The relief sought for in the present writ petition is to forbear the respondents 1 to 3 from demolishing the building comprised of house ground and premises bearing Door No.6, Vembuilamman Koil Street Extension, Brindavan Nagar, Pazhavanthangal, Chennai-600 014.

2.The petitioner states that she is in possession of piece of land



measuring 3 cents comprised in S.No.37/2. She had purchased the land vide Document No.3975/1985. The respondents 1 to 3 are now attempting to demolish the building constructed in the subject property.

3.The learned counsel appearing for the petitioner states that the petitioner has no objection for demolishing the encroached portion of the building, however, the land and building constructed within the land belonging to the petitioner is to be protected.

4.In this regard, the learned counsel for the respondents 4 to 6 raised an objection by stating that the petitioner has encroached upon the land belonging to the Corporation and also the lands belonging to the respondents 4 to 6. Larger extent of land had been encroached upon by the petitioner and building was constructed. Notice was issued to the petitioner by the authorities and since it was received by the petitioner, it was affixed in the premises by the authorities.

5.The learned counsel appearing for the second respondent Corporation made a submission that the petitioner has admittedly encroached upon the



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property belonging to the Corporation. The authorities have already initiated steps to demolish the encroached portions and notice was issued in this regard. The authorities have conducted survey and actions are initiated based on the survey conducted and after verifying the records available with the Corporation.

6.This being the factum, the respondents 1 to 3 shall ensure that the encroached portion of the Corporation lands are to be resumed. Thus the respondents 1 to 3 are directed to demolish the unauthorized buildings and the buildings constructed by encroaching upon the Corporation properties immediately. The petitioner has already given an undertaking that she will demolish the illegal constructions put up in the encroached portion of the land. The authorities are not obligated to wait for the action from the petitioner and they are at liberty to demolish without causing any undue delay and protect the Corporation property for the benefit of the people of that locality.

7.With these directions, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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8.Post the matter on 01.09.2023 under the caption 'For reporting compliance'.

24.08.2023

cse

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-Speaking Order

To

1.The District Collector,
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Rajaji Salai, Chennai – 1.

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3.The Tahsildar,
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S.M.SUBRAMANIAM, J.

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