



WEB COPY



W.P.No.26719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26719 of 2023

Muthubala Krishnan Suyampulingam

.. Petitioner

VS

1.The Chief Engineer – PWD-WRO,
Chennai Region-Palar Basin Circle,
Chepauk, Chennai-600 005.

2.The Executive Engineer – PWD-WRO,
Water Resource Department,
Lower Palaru Basin Division,
Vadi Nila Kottam,
Kanchipuram, Tamil Nadu.

3.The Assistant Executive Engineer – PWD-WRO,
GST Road, Near Taluk Police Station,
JCK Nagar, Chengalpattu,
Tamil Nadu – 603 002.

4.The Assistant Engineer,
No.6/356, Atlee Street, David Nagar,
Mudichur-Tambaram-Walajabad Road,
Paddappai, Tamil Nadu-601 301.

.. Respondents



W.P.No.26719 of 2023

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the encroachments on the roadside portion of the petitioner's patta land in village No.133 in Kishkinda Road, Tambaram Taluk, Ward No.D, Block No.1 Town Survey No.1/5 old S.No.6/2A in new Survey 8A/338/1419 dated 31/07/09 and now Ward No.1518/2017 in old Patta No.2241 measuring 30 cents in Kanchipuram @ Chengalpattu District and in the process give access or gateway to the petitioner property by removing the roadside build, side wall or handgrill of the papan canal bridge to make free entry to the petitioner property and directing the respondents to complete the process/proceedings within the time limit fixed by this Court.

For the Petitioner : Mr.R.Dakshina Murthy

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

We have heard Mr.R.Dakshina Murthy, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader



W.P.No.26719 of 2023

for the respondents.

WEB COPY

2. Learned counsel for the petitioner submits that the respondents have encroached over the land of the petitioner. The land of the petitioner is admeasuring 30 cents and the respondents have encroached to an extent of 15 cents.

3. We do not find any measurement map on record. We do not also find any authentic document to suggest that 15 cents has been encroached by the respondents. The measurement book of the land in question is not on record. In the absence thereof, it will not be possible for us to conclude about the encroachment and its extent.

4. It is for the petitioner to get his land measured by a surveyor in accordance with law and as per the provisions of the Tamil Nadu Survey and Boundaries Act, 1923. Upon receipt of the report of measurement, the petitioner is at liberty to take further steps. In that event, all contentions are kept open.



W.P.No.26719 of 2023

WEB COPY

5. The writ petition, as such, is disposed of. There will be no order as to costs. Consequently, W.M.P.No.26156 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

16.11.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr

To

- 1.The Chief Engineer – PWD-WRO,
Chennai Region-Palar Basin Circle,
Chepauk, Chennai-600 005.
- 2.The Executive Engineer – PWD-WRO,
Water Resource Department,
Lower Palaru Basin Division,
Vadi Nila Kottam,
Kanchipuram, Tamil Nadu.
- 3.The Assistant Executive Engineer – PWD-WRO,
GST Road, Near Taluk Police Station,
JCK Nagar, Chengalpattu,
Tamil Nadu – 603 002.
- 4.The Assistant Engineer,
No.6/356, Atlee Street, David Nagar,
Mudichur-Tambaram-Walajabad Road,
Paddappai, Tamil Nadu-601 301.



WEB COPY



W.P.No.26719 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

bbr

W.P.No.26719 of 2023

16.11.2023