



W.P. No. 3218 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 3218 of 2020

&

W.M.P. No. 3738 of 2020

V. Srinivasan

..Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Park Town,
Chennai – 600 003.
2. The Executive Engineer,
Department of Roads,
Corporation of Chennai,
Ripon Buildings,
Park Town, Chennai – 600 003.
3. The District Revenue Officer,
Greater Chennai Corporation,
Corporation Zone VI,
Chennai – 600 003.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying



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for issue of a Writ of Certiorari to call for the records pertaining to the notice issued by the 3rd respondent Corporation made in Ma.Na.Ka.No.5006 of 2019 dated 03.09.2019 and quash the same.

For Petitioner :: Mr.M.A. Sivakumaran

For Respondents :: Mr.A. Arun Babu for
R1 to R3
O R D E R

(Made by *S. Vaidyanathan,J.*)

The present writ petition is filed challenging the notice issued by the 3rd respondent in Ma.Na.Ka.No.5006 of 2019 dated 03.09.2019 and quash the same.

2. The case of the petitioner is that the property situate in Survey No. 2382 of Kosapet, Chennai – 600 007 in Zone No.VI, Ward No.78, which is within the Corporation of Limits of Chennai is an ancestral property and the petitioner is in peaceful possession of the same since 1965. While so, a writ petition in W.P. No. 5386 of 2020 was filed by one N. Thiruvengadam seeking a direction to respondents 1 to 3 therein for removal of encroachment on the public road in front of his property and



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pursuant to the directions given by this Court in W.P. No. 5386 of 2006 to the Corporation to initiate appropriate action for removal of encroachment in and around the area under Chennai City Municipal Corporation Act by following the procedures, the petitioner has received the impugned notice requiring immediate removal from the property as if he is an encroacher of the said property. Hence, the present writ petition.

3. When the matter is taken up for hearing, it is submitted by the learned counsel for the Corporation that the impugned notice is only a precautionary notice and no progress has taken place after the filing of the writ petition. The learned counsel would further submit that a fresh notice would be issued to the petitioner.

4. We make it very clear that in case, any notice is issued, the petitioner is expected to defend the case on merits and he shall not be permitted to challenge the said notice and stall further progress as the authorities will have to decide whether there is any encroachment or not. The petitioner shall produce necessary documents to establish that he is not an encroacher.

5. With the above direction, the writ petition is disposed of. No



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costs. Connected W.M.P. is closed.

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nv

15.12.2023

(S.V.N.J.) (K.R.S.J.)

To

1. The Commissioner,
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2. The Executive Engineer,
Department of Roads,
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Park Town, Chennai – 600 003.
3. The District Revenue Officer,
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