



WEB COPY



WP No.29153 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

THE HON'BLE MR. JUSTICE R. MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P No. 29153 of 2019

and W.M.P.Nos.28949, 28951, 28954 & 31438 of 2019,
6053 & 10510 of 2022

Anjugam Nagar Resident's Welfare Association

Rep. by its President B.Babu

No.45/40, 2nd Street, Anjugam Nagar

Jafferkhanpet

Chennai – 600 083

.. Petitioner

Versus

1. The District Collector

Office of Collectorate

No.62, Singaravelan Maligai

Rajaji Street, Chennai – 600 001

2.The Tahsildar

Mambalam Taluk

Jawaharlal Inner Ring Road

100 ft. Road, Ashok Nagar

Chennai

3.The Commissioner

Corporation of Chennai

Rippon Buildings, Park Town

Chennai – 600 003



WP No.29153 of 2019

4.The Executive Engineer-II
Zone-10, No.117, NSK Salai
Kodambakkam, Chennai – 600 024

5.The Assistant Revenue Officer
Land & Estate Department
Corporation of Chennai
Rippon Buildings, Park Town
Chennai – 600 003

6.The Deputy Director Town and
Country Planning, Chenglepet Region
No.13, Varadarasan Street
Vedachalam Nagar
Chengelpet – 1

7.The Inspector General of Registration
No.100, Santhome High Road
Chennai – 600 028

8.The Sub-Registrar
Ashok Nagar
Chennai – 83

9.Nirmala Devi

10.S.Sangeetha

11.S.Sujatha

12.S.Indira

13.N.Sai Prasad Reddy

14.K.Suchitra
(R14 impleaded vide Order dated 21.10.2019 made
in W.M.P.No.29937/2019 in W.P.No.29153/2019)



WP No.29153 of 2019

15.M/s.Confidence Petroleum India Ltd
Rep by its General Manager, Mr.N.Murugan
Corporate Office at
Door No.22, 6th West Cross Street,
Shenoy Nagar
Chennai – 600 030

(R15 Impleaded vide Order dated 07.03.2022 made
in W.M.P.No.1375/2022 in W.P.No.29153/2019)

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 6 herein to remove the encroachment by the respondents 9 to 13 in land bearing Plot Nos.4, 5, 6 and 7A and 7B comprised in T.S.No.5, Kodambakkam Revenue Village situated at Pillaiyar Koil Street, Anjugam Nagar, Jaffer Khanpet, Chennai-600 095 and to take possession and maintain the same as park for public purpose.

For Petitioner	:	Mr.T.Mohan, Senior Counsel for Mr.M.Vivekanandan
For Respondents	:	Mr.A.Selvendran for R1, 2, 6 to 8 Special Government Pleader Mr.G.T.Subramaniam for R3, 4 & 5 Mr.M.Deivanadan for R9 to 13 Mr.C.Umashankar for R14 Mr.R.Singaravelan, Senior Counsel for Mr.G.Elanchezhian for R15

ORDER

(Order of the Court was made by **R. MAHADEVAN, J.**)

This Writ Petition has been filed seeking to direct the respondents 1 to 6 herein to remove the encroachment made by the respondents 9 to 13 in the land



bearing Plot Nos.4, 5, 6 and 7A and 7B comprised in T.S.No.5, Kodambakkam Revenue Village situated at Pillaiyar Koil Street, Anjugam Nagar, Jafferkhanpet, Chennai-600 095, take possession and maintain the same as park for public purpose.

2. The necessary facts leading to the filing of this writ petition would run thus:

2.1. According to the petitioner Association, one E.K.Pattabirama Reddiar had promoted house sites in his land comprised in S.No.260/1-A Kodambakkam Village, during the year 1970-71 and prepared a layout for 67 plots in the said land and sold some plots from 1970 to 1973, without obtaining the approval from the concerned authority.

2.2. While so, the purchasers of the vacant plot in the said unapproved layout formed an Association called "Anjugam Nagar" and they requested the land owner E.K.Pattabirama Reddiar to get the approval from the concerned Town planning authority for all the 67 house sites promoted and sold by him. Accordingly, the land owner submitted necessary proposals to the Town Planning authority for approval of the layout, after earmarking plot nos.4,5,6, and 7 for park and plot no.57 for shop. Subsequently, the DTP Chennai-Chengalpet region had approved the layout of Anjugam Nagar *vide* letter



No.170/1973 dated 12.06.1973. Thereafter, the Executive Officer, Kodambakkam, Town Panchayat, had given sanction for the building plan submitted by the owners of the house sites of Anjugam Nagar till 1978.

2.3. It is the grievance of the petitioner that though the Chennai Corporation had taken possession of the land earmarked for street in the layout and laid road, water supply pipes and provided street lights, they have not taken any steps to take over the open space which is reserved for park and hence, the petitioner Association made several representations to all the authorities to take possession of the said land and form a park in the earmarked open space, which is the lung space of the residents of the Anjugam Nagar Layout. However, no action was not taken on the same.

2.4. In the mean while, the respondents 9 to 12 obtained patta in respect of plot nos.5,6,7A & 7B Pillaiyar Koil Street, Anjugam Nagar, Jaffer Khanpet, Chennai-600 095 comprised in T.S.No.5, Kodambakkam Revenue Village. Aggrieved by the same, the petitioner Association made representation to the respondent authorities to cancel the patta issued in the name of the respondents 9 to 12, but the same has not been considered, till date.

2.5. The petitioner further averred that the respondents 9 to 12 made an attempt to alienate the vacant land i.e., plot nos.4,5,6 and 7, which are



earmarked as park in the approved layout to some third parties by suppressing the classification of the land; that, they were in pursuit of establishing gas filling station in the said land and they also started to trespass and encroach the same by laying pillars; and that, they are now making an attempt to construct and sell the property to some third parties and thereby try to create encumbrances in the vacant plots, which are reserved for public purpose.

2.6. Feeling aggrieved, enclosing the layout plan approval showing the subject lands were earmarked as park for public purpose, the petitioner Association made representations to the respondent authorities requesting to take possession and restrain the private respondents 9 to 12 from putting up any further construction in the said land. However, nothing progressed. Therefore, this writ petition.

3. On 29.03.2023, when the matter was taken up for consideration, this court, in order to give quietus to the issue involved herein, directed the District Collector to convene a meeting by calling all the parties including the petitioner and the private respondents and verify all the documents produced by the parties concerned and thereafter, file a detailed report.

4. Today, the learned Special Government Pleader appearing for the respondent authorities submitted that in compliance with the order of this Court



WP No.29153 of 2019

dated 29.03.2023, a meeting was convened by the District Collector/first respondent, but, inadvertently notice to the respondents 14 and 15 has not been served on them.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing for all the parties, this Court, without going into the merits of the case, directs the first respondent to convene a fresh meeting, after sending due notice to all the parties concerned including the respondents 14 and 15, in which, verify all the documents, such as, title deeds, plan approval, etc. of the parties, and thereafter, on the basis of the report, take necessary action for removal of encroachment, if any, after providing sufficient opportunities to all the parties concerned. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions stands closed.

[R.M.D., J.] [M.S.Q., J.]
13.04.2023

Index : Yes / No
Speaking Order : Yes/No
Neutral Citation : Yes/No
dhk



WP No.29153 of 2019

To

1. The District Collector
Office of Collectorate
No.62, Singaravelan Maligai
Rajaji Street, Chennai – 600 001

2. The Tahsildar
Mambalam Taluk
Jawaharlal Inner Ring Road
100 ft. Road, Ashok Nagar
Chennai

3. The Commissioner
Corporation of Chennai
Rippon Buildings, Park Town
Chennai – 600 003

4. The Executive Engineer-II
Zone-10, No.117, NSK Salai
Kodambakkam, Chennai – 600 024

5. The Assistant Revenue Officer
Land & Estate Department
Corporation of Chennai
Rippon Buildings, Park Town
Chennai – 600 003

6. The Deputy Director Town and
Country Planning, Chenglepet Region
No.13, Varadarasan Street
Vedachalam Nagar, Chengelpet – 1

7. The Inspector General of Registration
No.100, Santhome High Road
Chennai – 600 028

8. The Sub-Registrar
Ashok Nagar, Chennai – 83



WEB COPY



WP No.29153 of 2019

**R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.**

dhk

WP No. 29153 of 2019

13.04.2023