



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.32969 of 2022

R.Munusamy

Petitioner

vs.

- 1.The Chairman,
CMDA Plan Approval Office,
Thalamuthu Natarajan House,
No.1, Gandhi Irwin Road,
Ansari Estate, Egmore,
Chennai – 600 008.
- 2.The Commissioner,
Greater Chennai Corporation,
Amma Maligai,
Rippon Building,
Chennai – 600 003.
- 3.The Zonal Officer,
Ambattur Zonal Office (Zone-7)
Corporation of Chennai,
Kamarajapuram, Ambattur,
Chennai.
- 4.The Tahsildar,
Ambattur Taluk,
Ambattur,
Chennai.

Respondents

[R4 *suo motu* impleaded vide order dated 01.02.2023 made in W.P.No.32969 of 2022]



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to restore the petitioner's land in S.Nos.760/1A and 760/3 situated at Hindustan Motor Lay out, Korattur Village, Kallikuppam, Chennai and to lay the road as per the approval in P.P.D/L.O No.95/93, vide letter No. L/10857/93 dated 04.08.93 by considering petitioner's representation dated 17.10.2022.

For Petitioner : Mr.N.Vignesh

For Respondents : Mr.S.Arumugam
Government Advocate for R1

Mrs.P.T.Ramadevi
for R2 and R3

Mrs,S.Mythreye Chandru
Special Government Pleader for R4.

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to restore the portion of the land belonging to the petitioner which has been utilized for laying the road by considering the representation made by the petitioner on 17.10.2022.

2.The grievance of the petitioner is that he had purchased the properties at Survey Nos.760/1A and 760/3 through a registered Sale Deed dated 21.07.1971 registered as Document No.3590/1971. It is alleged that the Chennai Corporation



had laid a road and while undertaking the said exercise, certain portion of the property belonging to the petitioner was also included. The petitioner gave a representation in this regard on 17.10.2022 to restore his property. Since the same was not acted upon, the present writ petition was filed before this Court.

3. When the matter came up for hearing on 01.02.2023, this Court passed the following order:

Considering the fact that the Greater Chennai Corporation vide letter dated 12.12.2022 requested the Tahsildar, Ambattur to inspect the road and file a report as to whether the subject land is a private land or public land. However, no action has been taken so far. Such view of the matter, this Court is of the view that the presence of the Tahsildar, Ambattur Taluk is necessary for effective adjudication of this case.

2. Accordingly, the Registry is directed to suo moto implead the Tahsildar, Ambattur Taluk, Ambattur, Chennai as the fourth respondent.

3. Mrs.R.Anitha, learned Special Government Pleader takes notice for the fourth respondent/Tahsildar, Ambattur and seeks time for getting instructions.

4. List this case on 24.02.2023.



4. Pursuant to the above order, the Tahsildar conducted a survey with the help of the Sub Inspector of Survey and a report was filed before this Court. The relevant portion in the report is extracted hereunder:

In this connection, the Sub-Inspector of Survey of this office who inspected the said land has reported that certain plots in the said lay out are kept vacant and in certain plots buildings have been constructed. The linear measurement of the Western side boundary of Plot No. 25 works out 75 Running feet as per the CMDA lay out. But out of the total length feet, 13 Running Feet falls within the Road portion situated on the Southern side of the said plot. The available extent in the Western boundary works out only to 62 feet as of now. Besides this, the linear measurement of Eastern side boundary of Plot No.39 is 74 Running feet as per the CMDA lay out. But only 36 Running foot available in the eastern side boundary of Plot No.39. The location of the said Plot Nos. is more particularly described in the said lay out.

5. Heard Mr.N.Vignesh, learned counsel appearing on behalf of the petitioner, Mr.S.Arumugam, learned Government Advocate appearing on behalf of the 1st respondent, Mrs.P.T.Ramadevi, learned counsel appearing on behalf of the respondents 2 and 3 and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the 4th respondent.



6. It is clear from the report submitted by the Tahsildar that certain portion of the property belonging to the petitioner is being used as a pathway/road. The learned Standing Counsel appearing on behalf of the Chennai Corporation submitted that the Corporation as such has not laid any pucca road. Hence, it is for the petitioner to secure his land as per the report given by the Tahsildar.

7. In the light of the report given by the Tahsildar and in the light of the stand taken by the Chennai Corporation, the petitioner is permitted to secure his lands in line with the title documents and he will be entitled to fence the same. Once this exercise is undertaken, the Chennai Corporation will have more clarity while laying the pucca road. This direction will sufficiently take care of the rights of the petitioner.

8. This writ petition is disposed of with the above direction. No Costs.

11.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR



WEB COPY



N. ANAND VENKATESH, J.

SSR

To

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