



W.A.No.3411 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.3411 of 2023

Sree Balaji Nagar Residential Welfare Association
Rep. by its President G.Ramachandran
No.14, 28th Street,
Sri Balaji Nagar Part-I Extension
Puzhal, Chennai-600 066.

.. Appellant

Vs

- 1 The District Collector
Chennai District,
Chennai-600 001.
- 2 The Revenue Divisional Officer
Revenue District, North Chennai
Puzhal, Chennai-600 066.
- 3 The Tahsildar
Madhavaram Taluk
Puzhal, Chennai-600 066.
- 4 The Zonal Officer
Zonal-III, Greater Chennai Corporation
No.1, Thattankankulam Salai
Madhavaram, Chennai-600 060.



W.A.No.3411 of 2023

WEB COPY

5 The Executive Engineer
Greater Chennai Corporation
Zonal-III, No.1, Thatattankulam Salai
Madhavaram, Chennai-600 060.

.. Respondents

PRAYER : Appeal under Clause 15 of the Letters Patent against the order dated 9.11.2023 in W.P.No.25017 of 2023 passed by the learned Single Judge.

For the Appellant : Mr.S.P.Sudalaiyandi

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 3

: Mr.A.Arun Babu
Standing Counsel
for respondents 4 and 5

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.P.Sudalaiyandi, learned counsel for the appellant; Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 3; and, Mr.A.Arun Babu, learned Standing Counsel for respondents 4 and 5.



W.A.No.3411 of 2023

2. The writ petition was filed by the appellant seeking a direction against respondents 1 to 3 to give No-Objection and cooperate with respondents 4 and 5 for formation of Storm Water Drain Canal in the 18th street, Balaji Nagar, Puzhal Village, Madhavaram Taluk, Chennai District. The learned Single Judge passed an order directing respondents 4 and 5 in the writ petition to remove the construction put up within the land of the Taluk office and put up the said construction beyond the limits of the Taluk office. The said order is assailed by the original writ petitioner.

3. Learned counsel for the appellant submits that it is for the welfare of the people that the Storm Water Drain Canal is constructed. The same is not passing through the building of the Taluk office and is only affecting a small portion of the land of the Taluk office. The Taluk office should not have any objection to the same.

4. The learned Single Judge appointed an Advocate Commissioner. The Advocate Commissioner had submitted a report.



W.A.No.3411 of 2023

In the report, it is stated that the ongoing Storm Water Drain Canal is crossing the land of Taluk office in Survey No.239 of Puzhal Village.

5. The appellant would not have a vested right to carry out the said work in the land of others. The learned Single Judge has only observed that the construction put up within the land of the Taluk office shall be removed and the same be constructed beyond the limits of the Taluk office. The appellant is not prohibited from constructing the Storm Water Drain Canal. However, the only prohibition imposed by the learned Single Judge is that the same should not be in the land of the Taluk office. We do not find any error in the said order.

The writ appeal is disposed of accordingly. There will be no order as to costs. Consequently, C.M.P.No.27953 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

13.12.2023

Index : Yes/No



W.A.No.3411 of 2023

Neutral Citation : Yes/No
sasi

To

- 1 The District Collector
Chennai District,
Chennai-600 001.
- 2 The Revenue Divisional Officer
Revenue District, North Chennai
Puzhal, Chennai-60 066.
- 3 The Tahsildar
Madhavaram Taluk
Puzhal, Chennai-600 066.
- 4 The Zonal Officer
Zonal-III, Greater Chennai Corporation
No.1, Thattankankulam Salai
Madhavaram, Chennai-600 060.
- 5 The Executive Engineer
Greater Chennai Corporation
Zonal-III, No.1, Thatattankulam Salai
Madhavaram, Chennai-600 060.



WEB COPY



W.A.No.3411 of 2023

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

(sasi)

W.A.No.3411 of 2023

13.12.2023