



WP No.2936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.2936 of 2024
and WMP No.3184 of 2024

Arunkumar Uppusamy

.. Petitioner

-vs-

1. The Divisional Engineer,
State Highways Department,
Tambaram Sub-Division,
Saidapet, Chennai 600 015.
2. The Assistant Divisional Engineer,
State Highways Department,
Tambaram Sub-Division,
Tambaram, Chennai.
3. Superbiz Business India Private Ltd.,
Rep. by its Director, N.Pramod.
4. The Tahsildar,
Pallavaram, Chennai.
(R-4 impleaded as per order dated
12.02.2024 in WP.)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the rain water drain that is built encroaching the land comprised in Survey No.T.S.No.184, Zameen Pallavaram, Pallavaram Taluk, Chenglepet District, belonging to the petitioner, within such time as this



WP No.2936 of 2024

Court deems fit.

For Petitioner : Ms.S.Shalni
For Respondents : Mr.Abhishek Murthy
Govt. Advocate for RR 1 and 2
: Mr.C.Kathiravan
Spl. Govt. Pleader for R-4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.S.Shalni, learned counsel for the petitioner, Mr.Abhishek Murthy, learned Government Advocate for respondent Nos.1 and 2 and Mr.C.Kathiravan, learned Special Government Pleader, for respondent No.4.

2. The learned counsel for the petitioner submits that the respondent Highways constructed a storm water drain in the land of the petitioner whereby an area to the extent of 451 sq.ft. is affected. The same is done without acquisition of the property and without the consent of the petitioner. According to the learned counsel, the Tahsildar had got the measurement done and the map was also prepared showing the location and the area of the petitioner's



property affected.

3. The learned Special Government Pleader, on instructions of the Assistant Engineer (H), submits that the drain work is carried out upto the extreme end of Highways land and while executing the work near the petitioner's land, the extreme end of the drain is fixed at 29.70 meters from the centre of the road and after executing and completing the drain work in front of the petitioner's land, the petitioner is claiming that highways had encroached into their premises.

4. Though the map is placed on record pursuant to the measurement carried out, the area of the petitioner's land affected, if any, has not been properly mentioned.

5. Let there be a joint measurement in the presence of the petitioner and the respondent authorities by the Town Surveyor who will be the competent authority to survey. The petitioner shall pay the fees for the joint measurement.



WP No.2936 of 2024

6. Upon an application being filed and the fees paid, the Town Surveyor/competent authority shall measure the land vis-a-vis the work undertaken in the presence of the petitioner and the respondents. The same shall be measured preferably within eight weeks from the date of the application filed and the fees paid. Depending upon the report of the measurement, the further steps be undertaken by the parties.

With the aforesaid observations, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.) (J.S.N.P., J.)
05.04.2024

Index : Yes/No
Neutral Citation : Yes/No
sra

To

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2. The Assistant Divisional Engineer,
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3. The Tahsildar,



WP No.2936 of 2024

Pallavaram, Chennai.

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WP No.2936 of 2024

THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(sra)

WP No.2936 of 2024

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