



WEB COPY



W.P.No.1615 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1615 of 2020

and

W.M.P.No.1894 of 2020

R.Karnan

.... Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

2.The Zonal Officer,
Zone IV (Tondiarpet)
No.266, Thiruvotriyur High Road,
Chennai – 600 021.

3.The Executive Engineer,
Zone IV (Tondiarpet)
No.266, Thiruvotriyur High Road,
Chennai – 600 021.

4.The Thasildar,
Perambur Taluk,
No.2, Perambur High Road,
Perambur, Chennai – 600 011.
(R4 impleaded vide order dated
26.02.2020 made in WMP No.
6026 of 2020 in W.P.No.1615 of 2020)



W.P.No.1615 of 2020

5.A.Lily Pushpam
(R5 impleaded vide order dated 02.09.2024
made in W.M.P.No.7899 of 2020 in
W.P.No.1615 of 2020)

6.L.Mary
(R6 impleaded vide order dated 02.09.2024
made in W.M.P.No.27168 of 2024 in
W.P.No.1615 of 2020)

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from in any way interfering with the possession and enjoyment of the petitioner's property admeasuring about 1800 sq.ft. situated at No.71A, Thendral Nagar, 6th Street, Kodungaiyur, Selavayal, Chennai – 600 118 including by way of laying/widening of the Corporation Road and further direct the respondents jointly or severally to pay the compensation of Rs.1,00,000/- towards demolition of the petitioner's shop, compound wall and bathroom on 12.01.2020.

For Petitioner	: Mr.M.K.Bhoopathy Rajan
For R1 to R3	: Mr.A.C.Mani Bharathi Standing Counsel
For R4	: Mr.S.Arumugam Government Advocate
For R5	: Mr.M.Simon
For R6	: Mr.D.Aravindan
For R7	: Mr.G.Bala

ORDER

This Writ Petition has been filed forbearing the respondents
from in any manner interfering with the possession and enjoyment of the



W.P.No.1615 of 2020

petitioner's property admeasuring 1800 sq.ft situated at No.71A, Thendral Nagar, 6th Street, Kodungaiyur, Selavayal, Chennai – 600 118 including by way of widening of the Corporation road.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that he is the owner of the property comprised in Survey No.108/1 bearing Door No. 71A, Thendral Nagar, 6th Street, Kodungaiyur, Selavayal, Chennai – 600 118, in which the petitioner is residing there for more than 40 years. The said property was conditionally assigned in favour of the petitioner by an order dated 16.06.1976. The said property was also assessed with property tax and the petitioner is paying the property tax without fail. While being so, the respondents attempted to remove the petitioner's house as if the petitioner is an encroacher. In fact, the bathroom cum toilet and compound wall of the petitioner was already demolished by the respondents.



W.P.No.1615 of 2020

WEB COPY

4. The learned counsel appearing for the respondents 5 to 7 submitted that the petitioner is a land encroacher and the petitioner was born in the year 1970. Therefore, there could not be assigned in his favour on 16.06.1976. The public filed writ petition in W.P.No.2602 of 2008 for removal of encroachment in order to widening the road for free access. This Court disposed of the writ petition, thereby directed the Corporation of Chennai, to take steps for removal of encroachment. Though repeated recommendations were made, no action has been taken to remove the encroachment.

5. In fact, already the petitioner filed a writ petition before this Court in W.P.No.16028 of 2009 for the very same issue and the same was dismissed by this Court by an order dated 11.08.2009. Further, this Court observed that there is no such plot No. 71A in the layout and it is a road. That apart, the petitioner also filed a suit in O.S.No.8173 of 2008 as against the Corporation of Chennai and the same was also dismissed by a Judgment and Decree dated 22.02.2018.



W.P.No.1615 of 2020

6. Therefore, this Court finds no merits in this writ petition

and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

No costs.

02.09.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Lpp

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

2.The Zonal Officer,
Zone IV (Tondiarpet)
No.266, Thiruvotriyur High Road,
Chennai – 600 021.

3.The Executive Engineer,
Zone IV (Tondiarpet)
No.266, Thiruvotriyur High Road,
Chennai – 600 021.

4.The Thasildar,
Perambur Taluk,
No.2, Perambur High Road,
Perambur, Chennai – 600 011.



WEB COPY



W.P.No.1615 of 2020

G.K.ILANTHIRAIYAN. J,

Lpp

W.P.No.1615 of 2020

02.09.2024