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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2695 & 2696 of 2024
and
W.M.P.Nos.2972 to 2975 of 2024

1.P.J.Selvakumar	... Petitioner in W.P.No.2695/2024
2.R.Muthukumarasami	... Petitioner in W.P.No.2696/2024

Vs.

- 1.The Collector of Chennai,
Rajaji Salai,
Fourth Floor,
No.62, Beach Road,
George Town,
Chennai – 600 001.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 3.The Additional Chief Secretary / Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
E-mail: commissioner@chennaicorporation.gov.in



4.The Assistant Engineer (Roads),
Corporation Office of Chennai,
Virugambakkam,
Division 128,
77, Kamarajar Salai,
Near Saaligramam Bus Stop,
Chennai.

5.The Tahsildar,
Mambalam-Guindy Taluk,
Bharathidasan Salai,
K.K.Nagar, Chennai.

... Respondents
in 2WPs

[R5 suo-motu impleaded as per order dated
04.04.2024 in WP.Nos.2695 and 2696 of 2024]

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that Schedule B property is a private passage as per the Layout Plan issued by the respondents 2 to 4, vide planning permission/MC No.117 of 1985 dated 31.03.1986, by passing an appropriate Government Order and forbear the respondents 2 to 4 from claiming Schedule B Private Passage as a Public Street.

For Petitioners	: Mrs.K.Subhashini Suresh For M/s.Chennai Law Associates (in 2WPs)
For R1 & R5	: Mr.U.Baranidharan Additional Government Pleader (in 2WPs)
For R2 to R4	: Mrs.Vanitha Joice Rani Standing Counsel



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W.P.Nos.2695 & 2696 of



[For Greater Chennai Corporation]

COMMON ORDER

The Writ of Declaration has been instituted to declare the Schedule B property is a private passage as per the Layout Plan issued by the respondents 2 to 4, vide planning permission/MC No.117 of 1985 dated 31.03.1986, by passing an appropriate Government Order and forbear the respondents 2 to 4 from claiming Schedule B Private Passage as a Public Street.

2. The petitioners claim that the subject property fully described in the writ petition is a private passage and the respondents are attempting to infringe the right of the property of the petitioner.

3. With reference to the allegations set out in the writ proceedings, this Court directed the Tahsildar, Mambalam-Guindy Taluk to verify the revenue records and by conducting field inspection submit a report. Pursuant to the orders of this Court dated 04.04.2024, the Tahsildar, Mambalam-Guindy Taluk filed a status report reads as follows:

“2. It is respectfully submitted that, the



property mentioned in the suit is comprised in Block No.23, T.S.No.43 of Virugambakkam Village of Mambalam Taluk and stands in the manual Town Survey Land Register and online records as follows:

	Manual Town Survey Land Register	Online Records
Town	Virugambakkam	Virugambakkam
Block No	23	23
Town Survey No	43	43
Old Survey No	99/3 pt	99/3 pt
Classification	Sarkaar Poramboke	Sarkaar Natham Poramboke
Extent	0.04.70.0 Sq.m	0.047.70.0 Sq.m
Municipal Register	Grama Natham	Grama Natham
Adangal	Chennai Corporation	-
Land Usage	Street	Street

3. I respectfully submit that, the land is classified as Sarkaar Poramboke – Grama Natham and stands in the name of Chennai Corporation as per the Manual Town Survey Land Register maintained in the Taluk office and the same has been reflected in online records.

4. It is respectfully submitted that, as per the direction of the Hon'ble High Court of Madras, a field inspection was carried out in the above mentioned suit property by the Survey Officials of the taluk and it is seen that the suit property is



being utilized as Street and a board has been affixed at the entrance of the road as Yadaval 3rd Cross Street and further the Town Survey Land records maintained in the taluk also shows the usage as Street and mentioned as Chennai Corporation in the Adangal Column.”

4. As per the status report the subject property is being utilised as a street. The Town Survey Land records maintained in the Taluk also shows the usage as street and mentioned as Chennai Corporation in the Adangal column. That being the being the factum established, the relief sought for in the present writ petition deserves no merit consideration.

5. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

26.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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