



W.P.No.7791 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.7791 of 2019
and
W.M.P.No.26012 of 2019

- 1.M.Senthil Kumar
- 2.M.Gnanasekaran,
- 3.N.Sivasankari,
- 4.S.Gayathiri,
- 5.Dilli Babu,
- 6.C.Raman,
- 7.Abinash,
- 8.Joseline Amirth,
- 9.Anantha Kannan,
- 10.S.Ragavendran,
- 11.M.Siva kumar
- 12.A.Kaluram,



W.P.No.7791 of 2019

13.Hussain Bhai

14.R.Murali,

15.R.Kesavan @Ramakanthan,

16.Athiq Ahamed,

17.Leena Foreguard

18.P.Anantha Kumar,

19.Syed Ali Shakeel

20.R.Ramamoorthy,

21.S.Mohan,

22.J.Mohan Raj,

23.Kannan,

24.Sarala,

25.Sathish,

26.M.Senthil Raja,

27.Ambarish H Sharma,

28.Chander shekhar Verma,

29.M.Chandramouli Gounder

30.G.H.Rizwan Ahmen,

31.S.Santhakumari,

32.R.Vengatesan,



W.P.No.7791 of 2019

WEB COPY

33.Sivakumar

34.Sivakumar,

35.BVijayalashmi

36.S.Srinivasan,

37.Thilagavathy,

38.T.G.Perumal

... Petitioners

Vs.

1.The Commissioner,
Chennai Corporation,
Rippon Building, Chennai.

2.The Commissioner of Police,
Vepery, Chennai.

3.The Assistant Commissioner,
Corporation of Chennai,
Zone 14, Puzhuthivakkam, Chennai.

4.The Tahsildar,
Sozhinganallur Taluk,
Sozhinganallur, Chennai.

5.Mr. Ravi,

6.Mrs. Malliga

7.The Chennai Metropolitan
Development Authority,
Represented By Its Managing Director,
Thalamuthu Natarajan House,



W.P.No.7791 of 2019

No.01, Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai-600008.

WEB COPY

(R7 suo-motu impleaded vide order dated 13/7/2021 made in
WP.7791/2019 by NKKJ, TVTSJ)

8.The Executive Engineer,
Zone - 14, Division 198,
Greater Chennai Corporation,
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 091.

(R8 suo motu impleaded vide order dt.20.07.2021 made in WP.7791/2019
and WMP.26012/2019 by NKKJ and TVTSJ)

9.The Sub Registrar,
South Chennai.

(R9 suo motu impleaded vide order dated 05.08.2021 made in
WP.7791/2019 by NKKJ,TVTSJ)

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, directing the respondent
Nos.1 to 4 to consider and decide the representation of the petitioners
dated 31/12/2018 on merits and in accordance with law and take
appropriate action against the respondents 5 and 6 and remove the
encroachment to the public roads at 6th Main Road, Rajesh Nagar,
Pallikaranai, Chennai 600 100.

For Petitioners : Mr.N.G.R.Prasad for
Mr.D.Asanthamani



W.P.No.7791 of 2019

For Respondents : Ms.P.T.Rama Devi, SC GCC,
(for R1 & R3);

Mr.A.Selvendran, Spl.G.P.,
(for R2 & R4);

Mrs.N.R.Jasmine Padma (for R5);

R6:Party in person;
R7: No Appearance.

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The relief sought for in the present writ petition is to direct the respondents 1 to 4 to consider and decide the representation of the petitioner dated 31.12.2018 on merits and in accordance with law, take appropriate actions against the respondents 5 and 6 and remove the encroachment to the public roads at 6th Main Road, Rajesh Nagar, Pallikaranai, Chennai 600 100.

2. With reference to the relief sought for by the petitioners for removal of encroachments, this Court directed the respondents 1, 3 & 4 to conduct survey and submit a report. Both, the learned Special Government Pleader, Mr.Selvendran, and the learned counsel appearing on behalf of Chennai Corporation, submitted sketch as well as the photographs to establish that 20 feet road was allotted as per the lay out and presently 10



W.P.No.7791 of 2019

feet road alone is maintained in a portion in 6th Main Road, Rajesh Nagar, Pallikaranai, Chennai-600100, is encroached upon.

3. The sketch produced before this Court reveals that the respondents 5 and 6 are in occupation and such portion is also said to be encroached upon. However, the 6th respondent, appearing in person, would oppose by stating that it is a patta land and he has constructed a compound wall. Perusal of the sketch reveals that the compound wall, abating the road, is causing obstruction to free passage. Therefore, the competent authorities have to survey the length and width of the public road in the said layout and encroachment, if any identified, are to be removed and the road is to be kept free from encroachment for free usage of the people of that locality.

4. The legal position in this regard has been settled by the Hon'ble Supreme Court, in the case of *Association of Vasant Apartments Owners vs V.Gopinath*, reported in *2023 LiveLaw (SC) 105* and the Division Bench of this Court considered catena of judgments of the Apex Court and decided the issues in the case of *T.G.Naveen v. The Chairman, TNEB* reported in *2021 (5) CTC 648*.



W.P.No.7791 of 2019

WEB COPY 5. It is not in dispute that the layout is an unapproved layout.

Further the layout submitted before us would indicate that 20 feet road has been formed. A portion of the 20 feet road in the 6th Main Road, Rajesh Nagar, Pallikaranai, Chennai-600 100, is under encroachment. The learned Special Government Pleader would submit that the competent authorities will remove the encroachments by following the procedures and maintain the road free from encroachments for the public usage.

6. In view of the fact that the documents produced before us would reveal that 20 feet road is provided in the 6th Main Road, Rajesh Nagar, Pallikaranai, Chennai-600 100. Thus, respondents 1 to 4 are directed to remove all the encroachments in the public roads as per the lay out and maintain the public road free from encroachment for the usage of the people residing in that locality. It is clarified that all the encroachments in the surrounding areas have to be removed and public purpose lands as per layout are to be utilized for the purpose for which it was allotted in the layout. The said exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of the order.



W.P.No.7791 of 2019

WEB COPY

7. Accordingly, the writ petition stands disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

15.03.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



W.P.No.7791 of 2019

To
WEB COPY

- 1.The Commissioner,
Chennai Corporation,
Rippon Building, Chennai.
- 2.The Commissioner of Police,
Vepery, Chennai.
- 3.The Assistant Commissioner,
Corporation of Chennai,
Zone 14, Puzhuthivakkam, Chennai.
- 4.The Tahsildar,
Sozhinganallur Taluk,
Sozhinganallur, Chennai.
- 6.The Chennai Metropolitan
Development Authority,
Represented By Its Managing Director,
Thalamuthu Natarajan House,
No.01, Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai-600008.
- 7.The Executive Engineer,
Zone - 14, Division 198,
Greater Chennai Corporation,
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 091.
- 8.The Sub Registrar,
South Chennai.



WEB COPY



W.P.No.7791 of 2019

S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

W.P.No.7791 of 2019

15.03.2024