



WP.No.4476 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.4476 of 2024
WMP.No.4831 of 2024

1. R.Sarada
2. R.Chandra Gupta

Petitioners

Vs

1. Chennai Metropolitan Development Authority, by its Member Secretary
Chennai-8
2. Omprakash Agarwal Bansal
3. Aswin Bansal
4. The District Collector, Thiruvallur
5. The Tahsildar, Poonamallee, Chennai-56
(RR4 and 5 are suo motu impleaded as per order dated, 24.04.2024, in
WP.No.4476 of 2024)
6. Aravinda Hariram
7. Lal Mixing Unit, Chennai-95
8. Sreenivasan Steel LLP, Chennai-95
9. Aswin Industries represented by Thyagarajan, Chennai-95
10. United Steel Corporation and Vinitech Steel Enterprises
Limited represented by Agarwal, Chennai-95
(RRR6 to 10 are impleaded as per order dated, 23.07.2024 in WMP.No.8380
of 2024 in WP.No.4476 of 2024)
11. Dhayanithi.J



WP.No.4476 of 2024

12.E.Jagadeesan

Respondents

(RR11 and 12 are impleaded as per order dated, 23.07.2024 in WMP.No.21389 of 2024 in WP.No.4476 of 2024)

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbear the 1st Respondent not to consider any application for approval made by the Respondents 2 and 3 in respect of S.No.6, Ayanambakkam Village, Poonamallee Taluk, without considering the representation made by the 2nd Petitioner dated 09.10.2023.

For Petitioner : Mr.M.Karthikeyan

For Respondents : Mr.Y.Bhuvanesh Kumar, Standing Counsel-R1
Mr.C.P.Hemkumar-R3
Mr.R.Vigneswaran-GA-RR4 and 5

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition is filed for issuance of Writ of Mandamus to forbear the 1st Respondent not to consider any application for approval made by the Respondents 2 and 3 in respect of S.No.6, Ayanambakkam Village, Poonamallee Taluk, without considering the representation made by the 2nd Petitioner dated 09.10.2023.

2. The brief facts, which are narrated in the affidavit filed in support of this Writ Petition, are as follows:-

(a) The Petitioners are the joint owners of the land comprised in S.No.127/2, presently in T.S.No.18/7. The Petitioners' land is situated at the trisection point of three Villages, i.e. Athipattu, Ayanambakkam, and Nolambur. There is a cart track in S.No.2 of Ayanambakkam Village,



WP.No.4476 of 2024

which is adjacent to the cart track in S.No.6/7 of Ayanambakkam Village.

(b) The entire survey field in S.No.6/7 of Ayanambakkam Village is classified as a Government poramboke and it lies on the ground as a cart track. Even though the said cart track is meant for public as per the revenue records, the private Respondents and others have encroached into the public cart track and therefore, the Petitioner has submitted a representation. Since the representation of the Petitioner is not considered, the Petitioner has filed this Writ Petition, with the prayer as stated above.

3. This Court heard the learned counsel for the Petitioners and the contesting Respondents and also perused material records placed before this Court.
4. It is not in dispute that as per the revenue records, the entire survey field in S.No.6/7 is classified as a Government poramboke. As per FMB, the entire extent of 12 ares in the survey field has been demarcated as a cart track. This Court finds that the existence of the cart track has been surveyed and detailed in the FMB. It is a matter of enquiry by the Official Respondents, who may take action under the provisions of the Tamil Nadu Land Encroachment Act if there is any encroachment.
5. This Court, in a Writ Petition filed by the Petitioner earlier in WP.No.25075 of 2023, by an order dated 25.08.2023, disposed of the said Writ Petition on the submissions of the learned Special Government Pleader to the effect that the



WP.No.4476 of 2024

survey of S.No.6/7 would be conducted and depending upon the report of the survey, further steps would be undertaken.

6. Now, the learned Special Government Pleader for the Official Respondents, on instructions, states that survey has been conducted and after survey, encroachment of land by several persons is found and as a matter of fact, notices under Section 7 of the Tamil Nadu Land Encroachment Act have already been issued to the private Respondents and others, who have encroached portions of the cart track.
7. Considering the fact that the Official Respondents have demarcated the entire survey field in S.No.6/7 in Ayanambakkam Village, a further direction is issued to them to complete the process after following due process of law. It is made clear that the survey and inspection shall be reaffirmed after issuing notice to the Petitioners as well as the private Respondents, who have not been impleaded as parties in the earlier Writs. After drawal of report pursuant to the survey, the concerned Tahsildar is directed to serve notice to the Petitioners and all the private Respondents, who have been found to be in encroachment as per the revenue records. Based on that report, further proceedings shall be initiated by issuing notice under Section 6 of the said Act and thereafter, if necessary, by recourse to law as provided in the Tamil Nadu Land Encroachment Act illegal encroachment shall be removed. It is also made clear that the entire cart track in S.No.6/7 in Ayanambakkam



WP.No.4476 of 2024

Village shall be restored and the Official Respondents should see that the cart track comes into operation for the benefit of the public and that there shall be no encroachment thereafter.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

(S.S.S.R.J.) & (N.S.J.)
23.07.2024

2/2

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
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To

1. Chennai Metropolitan Development Authority, by its Member Secretary, Chennai-8
2. The District Collector, Thiruvallur
3. The Tahsildar, Poonamallee, Chennai-56



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WP.No.4476 of 2024

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

WP.No.4476 of 2024

2/2

23.07.2024