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W.P.No.5385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

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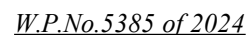
M/s Varman Constructions Private Limited
rep by its Director, R.Madhumathi
No.5/20, Blue Beach Road, Neelankarai
Chennai 600 115

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Petitioner

v.

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Commissioner
Villivakkam Panchayat Union
Ambattur, Chennai 600 053
3. The Tahsildar
Poonamallee Taluk
Poonamallee, Tiruvallur District
4. The Executive Officer/President
Adayalampattu Panchayat
Villivakkam Panchayat Union, Chennai



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove all the obstructions like Gate at the entrance or any other unauthorized constructions in the public road situated in Survey Nos.92/2 part, 93/2 part, 94/3B3 part and 94/5 part, Adayalampattu Village, then Ambattur Taluk, Now Poonamallee Taluk, Thiruvallur District within the time frame to be fixed by this Hon'ble Court.

For Respondents :: Mr.Y.Bhuvaneshkumar
 Standing Counsel for R1
 Mr.V.Jeevagiridharan
 Addl.Government Pleader for R2,R4
 Mr.G.Nanmaran
 Special Government Pleader for R3
 No appearance for R5

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

This writ petition is filed for issuance of a mandamus to the respondents 1 to 4 to remove all the obstructions like gate at the entrance or



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any other unauthorized constructions in the public road situated in Survey Nos.92/2 part, 93/2 part, 94/3B3 part and 94/5 part, Adayalampattu Village, then Ambattur Taluk, Now Poonamallee Taluk, Thiruvallur District within a time frame to be fixed by this Court.

2. The petitioner happens to be the neighbour of the building put up by the fifth respondent. The case of the petitioner is that the office bearers of the fifth respondent are preventing the petitioner and the general public to have access through the public road situated in Survey Nos.92/2 part, 93/2 part, 94/3B3 part and 94/5 part, Adayalampattu Village, then Ambattur Taluk, Now Poonamallee Taluk, Thiruvallur District. It is the further case of petitioner that the office bearers of fifth respondent have now constructed a pucca wall on the public road in order to cause obstruction to the public from having free access.

3. The learned counsel appearing for petitioner submitted that the fifth respondent is trying to obstruct the free access for the petitioner and others with an ulterior motive and that all the unauthorised obstructions are to be



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removed.

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4. A status report is filed by the third respondent. In paragraphs-5 & 6 of the report, the Tahsildar concerned has stated as follows:-

“5. It is submitted that the aforesaid two roads are called as layout roads. In the entrance of Sky City apartment, two gates for exit and entrance along with one arch was erected in the land, which was gifted to the local body and the Varma Construction also constructed a Iron Gate in the gifted land in S.No.91/2 of Adayalampattu Village.

6. It is submitted that both the Sky City Apartment and Varma Construction constructed the gate in their respective gifted lands.”

5. A counter affidavit is filed by the fifth respondent stating that the fifth respondent has already filed a civil suit in O.S.No.35 of 2024 before the Principal District Munsif Court, Poonamallee seeking for a declaration to adjudge the gift deed dated 20.03.2007 as null and void; to declare that the suit property is not a public road and for other reliefs and that the petitioner has filed this writ petition only to circumvent the suit proceedings.



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No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
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