



W.P.No.5858 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5858 of 2024

Muthu Mahaboob Salima

..

Petitioner

Vs.

1. The Managing Director
Tamil Nadu Urban Habitat Development Board
No.5, Kamarajar Salai
Chepauk, Chennai – 600 005.
2. The Estate Officer
Tamil Nadu Urban Habitat Development Board
[Nehru Nagar Phase – I, Velachery]
K.K.Nagar, Sivalingapuram
Chennai – 600 078.

3. Thajin Beevi

4. L.Subashini

..

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to measure the property and to fix the boundaries for the entire plots 176 to 181 by restoring the common pathway as per the sketch available with the first respondent by removing the encroachments.



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For the Petitioner : Mr.V.Sundarraman

For the Respondents : Mrs.Indumathi Venkatesan
for R1 and R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.V.Sundarraman, learned counsel for the petitioner and
Mrs.Indumathi Venkatesan, learned counsel for respondents 1 and 2.

2. The present petition is filed seeking directions to measure the property and fix boundaries for the entire plots bearing Nos.176 to 181 by restoring the common pathway and removing the encroachments.

3. The petitioner is not a bonafide person. A writ petition was filed bearing W.P.No.22688 of 2023, in which, the present petitioner was the sixth respondent. The Division Bench of this Court, under order dated 04.01.2024, directed removal of the encroachment made by the sixth respondent/present petitioner. It is only after the petitioner's encroachment was directed to be removed, the present writ petition has been filed.



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4. The petitioner has to first remove her encroachment and then further steps are to be undertaken. The authorities shall remove the encroachment made by the petitioner as directed under order dated 04.01.2024 in W.P.No.22688 of 2023. Nonetheless, the authorities may consider if any other encroachments exist and then further steps, in accordance with law, shall be undertaken.

5. In light of the above, the writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

05.03.2024

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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(drm)

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