



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.10924 of 2022

and

W.M.P.Nos.10523 & 10525 of 2022

P.Munusamy

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by the Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Greater Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
3. The Assistant Engineer,
Division No.043,
Greater Corporation of Chennai,
Tondiarpet,
Chennai – 600 021.
4. The Assistant Executive Engineer,
Unit 10, Division No.043,
Greater Corporation of Chennai,
Tondiarpet,
Chennai – 600 021.
5. The Executive Engineer,



Zone IV,
Greater Corporation of Chennai,
Tondiarpet,
Chennai – 600 021.

6.Sateesh Kumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records in impugned Letter No.1745/UD-VI (1)/2021-3 dated 05.10.2021 on the file of the 1st respondent and to quash the same.

For Petitioner	.. Mr.S.Saravana Kumar
For R1	.. Mr.N.Naveen Kumar, Govt. Advocate.
For R2 to R5	.. Ms.P.T.Ramadevi, Standing Counsel
For R6	.. Mr.N.K.Sriraman

ORDER

This Writ Petition has been filed in the nature of a Certiorari seeking records relating to a Letter No.1745/UD-VI (1)/2021-3 dated 05.10.2021 on the file of the 1st respondent, the Secretary to the Government, Housing and Urban Development, Chennai and to quash the same.



2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner had purchased house property measuring around 400 sq.ft., under a registered Sale Deed dated 27.04.1989 registered as Document No.709 of 1989 on the file of the Sub-Registrar, Royapuram, Chennai. He had purchased it from one Kuppuraj. It is contended that the petitioner was in continuous enjoyment and also obtained electricity service connection. He is also paying property tax and other statutory charges. At the time of purchase a thatched house was there. The petitioner then put up a terraced house with asbestos roof. He had constructed the house in the year 1990. He had not obtained any planning approval. He had not carried out any construction after the year 1990. The 6th respondent who is a neighbour of the petitioner and is also residing at Vinayagapuram at Chennai, in the same locality had raised objections for the occupation of the petitioner in his place and had given representation in that regard. The matter was heard and it had been concluded that the petitioner had put up the building unauthorizedly without any approval. It had also been stated that the building has been constructed by encroaching the public road belonging to the Chennai Corporation. It had therefore been stated that Greater Chennai Corporation had issued notice under Section 220 r/w Section 222 of CCMC



Act, 1990. The matter travelled up to an appeal before the 1st respondent and the appeal had been dismissed noting that the petitioner had put up the construction in land which actually belonged to the Chennai Corporation. It is further contended that the Chennai Corporation had issued notice to remove the encroachment.

3.The petitioner contends that he had purchased the property for valuable consideration in the year 1989 and put up the construction in the year 1990. But however, the land does not belong to the vendor who had sold the property to the petitioner. The land actually belongs to the Chennai Corporation. The petitioner will have to naturally abide by the notices issued by the Chennai Corporation. Once the petitioner is not the owner of the land, the Court cannot grant him any relief.

4.The contention of the learned counsel is that the entire issue had been aggravated by the complaint given by the 6th respondent, but even otherwise, the specific contention of the respondents is that the land belongs to the Chennai Corporation and therefore, the petitioner is in unlawful occupation. I am not prepared to entertain this writ petition. The writ petition



stands dismissed. The petitioner may, however, give a further representation to the Chennai Corporation to be allotted the land and regularize his possession in manner known to law. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

19.12.2024

Index: Yes/No
Internet: Yes/No
smv

To

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3. The Assistant Engineer,
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Greater Corporation of Chennai,
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4. The Assistant Executive Engineer,
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C.V.KARTHIKEYAN,J.

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