



WEB COPY

W.P.No.9328 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.9328 of 2019

D.Jesikala

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Chennai – 3.
2. The Principal Secretary/Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 8.
3. The Zonal Executive Engineer,
Zone X, Greater Chennai Corporation,
No.64, NSK Salai,
Kodambakkam, Chennai -24.
4. Mr.Nagaraj
5. Mrs.Ammu
6. Mr.Murugan
7. Mrs.Annal
8. Mrs.Anbarasi



9. The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai.

10. The Tahsildar,
Aminjikmarai Taluk,
Chennai – 600 030.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take action on the basis of the letter of second respondent dated 20.2.2019 made in EC/ C-I / 350/2019 and demolish the unauthorised construction put up the respondents 4 to 8 by encroaching the public place as well as the public road, causing nuisance and disturbance to the residence of Semathamman nagar 2nd sector, Koyambedu, Chennai.

For Petitioner	: Mr.C.Sivanesan
For R1 & R3	: Mr.D.B.R.Prabhu Standing Counsel for Greater Chennai Corporation
For R2	: Mrs.P.Veena Suresh, Standing Counsel for CMDA
For R4 to R8	: Mr.B.Harish
For R9 & R10	: Mr.A.Selvendran, Special Government Pleader

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ of Mandamus has been instituted for directing the first respondent to take action on the basis of the letter of second respondent dated 20.2.2019 made in EC/ C-I / 350/2019 and demolish the unauthorised



construction put up the respondents 4 to 8 by encroaching the public place as well as the public road, causing nuisance and disturbance to the residence of Semathamman nagar 2nd sector, Koyambedu, Chennai.

2. The petitioner states that she is residing at No.21/1, Semathamman Nagar, 2nd Sector, Koyambedu, Chennai – 600 107, wherein a 16 Feet width road situate. The 16 Feet road is a dead end road ends just 20 Feet away from the residence of the writ petitioner. Opposite to the house of the writ petitioner, there was a vacant land measuring about 2,400 sq.ft., intended for public purposes. It is kept vacant for about 30 years, since the formation of Koyambedu Market. The respondents 4 to 8 have encroached upon the said public purpose land and constructed a Temple in order to encroach upon the entire land measuring 2,400 sq.ft., which is kept for public purposes. Since the public land has been encroached upon, the writ petitioner submitted a representation to the authorities to remove the encroachment. Since, no action has been taken, the present Writ Petition came to be instituted.

3. The Tahsildar, Aminjikaiarai has given a written instruction to the Special Government Pleader vide letter dated 13.03.2024 along with the



WEB COPY

revenue records and photographs. As per the revenue records, it is a Government poramboke, belongs to the Chennai Metropolitan Development Authority. The Chennai Metropolitan Development Authority has kept the said portion of land for public purposes. Admittedly, the respondents 4 to 8 have encroached upon the said public purpose land. A well is situated in the said land. The photographs would reveal that a Temple has been constructed illegally with an ulterior motive to grab the public property. Such ideas of greedy men to grab the public land at no circumstances be encouraged. The encroachments in public land belongs to Chennai Metropolitan Development Authority are identified by the Competent Authorities. The people of that locality are deprived from using the said land for public purposes. Thus, we are inclined to consider the Writ Petition.

4. Accordingly, the respondents 1 to 3, 9 and 10 are directed to remove the entire encroachment in the subject property, including the Temple structure and take possession of the property and utilize the same for public purposes. After evicting the encroachments, the authorities are duty bound to maintain the public land free from encroachments. In the event of any further encroachment, the authorities are directed to initiate



appropriate disciplinary proceedings against the field officials, who are responsible for protecting the public property. The said exercise is directed to be completed within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands allowed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
14.03.2024

skr

Index : Yes

Speaking order

To

1. The Commissioner,
Greater Chennai Corporation,
Chennai – 3.
2. The Principal Secretary/Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 8.
3. The Zonal Executive Engineer,
Zone X, Greater Chennai Corporation,
No.64, NSK Salai,
Kodambakkam, Chennai -24.
4. The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai.



WEB COPY

5. The Tahsildar,
Aminjikmarai Taluk,
Chennai – 600 030.

W.P.No.9328 of 2





WEB COPY

W.P.No.9328 of 2



S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

skr

W.P.No.9328 of 2019

14.03.2024