



WEB COPY



W.P. No.9020 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 9020 of 2020

&

W.M.P. No. 10970 of 2020

1. Mr.K. Murugan
 2. Mrs. Mohana
- ..Petitioners

Vs.

1. The Thasildar,
Poonthamallee Taluk Office,
Poonthamallee,
Chennai – 600 056.
2. The Commissioner,
Thiruverkadu Municipality Office,
Thiruverkadu, Chennai 600 077.
3. The Chief Engineer,
Tamilnadu Housing Board Office,



WEB COPY



W.P. No.9020 of 2020

No.5, Kamarajar Salai, Chepauk,
Chennai 600 005.

4. The Divisional Engineer,
RC North Engineer Office,
TP Chitram Road,
Opposite K6, Police Station,
Kilpauk, Chennai 600 010.
5. The Inspector of Police (L& O),
Thiruverkadu Police Station,
Chennai 600 077.
6. Shanker

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct respondents 1, 2 and 4 to consider and thereby dispose of the representation made by the petitioners on 23.05.2020, 10.06.2020 and 16.06.2020 for survey/measure the 6feet common pathway situated in Thiruvallur District, Ambattur Taluk, Noombal Madura Maduravedu Village, Survey No. 56/14, measuring an extent of 1017 square feet and evict unauthorized, unlawful building and sunshade or any type of encroachment in the common pathway.

For Petitioner :: Mr.K. Yuvaraj

For Respondents :: Mr.J. Ravindran



W.P. No.9020 of 2020

Addl. Advocate General
assisted by
Mr.A. Selvendran,
Special Government Pleader
for R1, R2, R4 & R5
Mr.Babu Muthu Meeran for R3
No appearance for R6

ORDER

(Made by *S. Vaidyanathan,J.*)

The writ petition is filed for issue of a Writ of Mandamus to direct respondents 1, 2 and 4 to consider and thereby dispose of the representation made by the petitioners on 23.05.2020, 10.06.2020 and 16.06.2020 for survey/measure the 6feet common pathway situated in Thiruvallur District, Ambattur Taluk, Noombal Madura Maduravedu Village, Survey No. 56/14, measuring an extent of 1017 square feet and evict unauthorized, unlawful building and sunshade or any type of encroachment in the common pathway.

2. The 6th respondent has been served. But, there is no appearance on his behalf.



W.P. No.9020 of 2020

3. The petitioners are owners of the property in Thiruvallur District, Ambattur Taluk, Noombal Madura Maduravedu Village, Survey No. 56/13B and Survey No. 56/14B measuring an extent of 1.80 ares and they have constructed a house in the said property. The 1st respondent has also issued a patta in favour of the 2nd petitioner. According to the petitioners, the 6th respondent owns the property in Survey No. 56/13A1 and Survey No. 56/14A1B, totally measuring an extent of 1.80 ares, on the adjacent northern side of the petitioners' property. Both the petitioners and 6th respondent share a 6feet common pathway located on the eastern side of the property of the petitioners and the 6th respondent. According to the petitioners, the 6th respondent, on getting funds under the Government Scheme, namely, Pradhan Mantri Awas Yojana, by fraudulent means, encroached upon the common pathway in Survey No. 56/14 and put up unlawful and unauthorized construction, affecting free flow of traffic and also causing inconvenience to the general public. The representations dated 23.05.2020, 28.05.2020, 10.06.2020 and 16.06.2020 made by the petitioners requesting respondents 1 to 4 to remove the encroachment made by the 6th respondent did not evoke any response. Hence, the present writ petition.



W.P. No.9020 of 2020

4. When the matter is taken up, it is submitted on behalf of the official respondents that it is a common pathway and that they will instruct the Municipality to remove the encroachment.

5. Since there is an encroachment in the pathway, the authorities concerned are expected, after conducting spot inspection and enquiry, to clear the encroachment and restore the pathway, within 15 days from the date of receipt of a copy of this order. In case, the encroachment is not removed within the time stipulated, then appropriate action shall be taken against the officials concerned in the light of the order dated 30.08.2023 passed by Madurai Bench of Madras High Court, in W.P.(MD) No. 16120 of 2023 (*N. Sankar V. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and 3 others*).

6. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

nv

(S.V.N.J.) (K.R.S.J.)
04.01.2024



WEB COPY



W.P. No.9020 of 2020

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv

To

1. The Thasildar,
Poonthamallee Taluk Office,
Poonthamallee,
Chennai – 600 056.
2. The Commissioner,
Thiruverkadu Municipality Office,
Thiruverkadu, Chennai 600 077.
3. The Chief Engineer,
Tamilnadu Housing Board Office,
No.5, Kamarajar Salai, Chepauk,
Chennai 600 005.
4. The Divisional Engineer,
RC North Engineer Office,
TP Chitram Road,
Opposite K6, Police Station,
Kilpauk, Chennai 600 010.
5. The Inspector of Police (L& O),
Thiruverkadu Police Station,
Chennai 600 077.

W.P. No. 9020 of 2020

04.01.2024