



WEB COPY

W.P.No.16694 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

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

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.16694 of 2019

T.Pazhani

... Petitioner

Vs.

1. Deputy Director of Town & Country Planning,
Salem-Cuddalore Region,
No.6, Sannathi Street,
Subramani Nagar, Salem – 636 005.

2. The Commissioner,
Cuddalore Municipality,
Bharathi Road, Cuddalore – 607 001.

3. The Junior Engineer,
Cuddalore Municipality,
Municipal Office,
Bharathi Road,
Cuddalore – 607 001.

4. Sivaranjani

5. Viji

6. P.Karthika

7. Nalini

... Respondents



WEB COPY

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the respondents 4 to 7 on the 15 feet road on the extreme south side of Subbiah Nagar in Kondur Village, within Cuddalore Municipality limits.

For Petitioner	: Mr.R.Gururaj
For R1	: Mr.A.Selvendran, Special Government Pleader
For R2 & R3	: Mr.P.Srinivas
For R4 to R7	: Mr.R.Raja Rajan

ORDER

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

The Writ of Memorandum has been instituted to direct the respondents 1 and 2 to remove the encroachments made by the respondents 4 to 7 on the 15 feet road on the extreme south side of Subbiah Nagar in Kondur Village within Cuddalore Municipality limits.

2. With reference to the allegations of encroachments made by the



WEB COPY

petitioner, the learned counsel for the Cuddalore Municipality, Mr.P.Srinivas would submit that the authorities have conducted an inspection and found that there is no encroachment. It is contended that the subject road is 20 feet road and the same is in public use. It is stated that the lay out covered Subbaiah Nagar in Kondur Village, Cuddalore Town was formed in the Town Survey Nos. 2609 to 2610, Ward No.7, Block No.50. Approval has been given by the Deputy Director of Town & Country Planning, Salem. The total extent is 2 acres and 27442 sq.ft. and the provided plots were 35 in number. It consists of one 30 feet road and two 20 feet roads, all running from East to West. Another running North South of width 30 feet is also provided.

3. The learned counsel for the petitioner, Mr.R.Gururaj states that there are encroachments and the report of the Surveyor would indicate the same. However, learned counsel for the Cuddalore Municipality Mr.P.Srinivas, rebuts the same by stating that the recent inspection conducted by the authorities would reveal that there is no encroachment.

4. In view of the descriptions provided in the counter and relying on



the same, the learned Special Government Pleader for the 1st respondent would submit that there is no encroachment. However, the petitioner has instituted a Civil Suit for injunction and the said suit is pending. If any grievance exist, the petitioner is at liberty to redress the same in the manner known to law.

5. With this liberty, the Writ Petition stands dismissed.

No costs.

(S.M.S.,J.) (K.R.S.,J.)
19.02.2024

skr
Index : Yes
Speaking order

To

1. Deputy Director of Town & Country Planning,
Salem-Cuddalore Region,
No.6, Sannathi Street,
Subramani Nagar, Salem – 636 005.
2. The Commissioner,
Cuddalore Municipality,
Bharathi Road, Cuddalore – 607 001.
3. The Junior Engineer,
Cuddalore Municipality,



Municipal Office,
Bharathi Road,
Cuddalore – 607 001.

WEB COPY

W.P.No.16694 of 2





WEB COPY

W.P.No.16694 of 2



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

skr

W.P.No.16694 of 2019

19.02.2024