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W.P.No.13998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.13998 of 2024 and
W.M.P.No.15182 of 2024

S.Ravikumar

... Petitioner

-VS-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.
2. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
Adyar, Chennai-600 020.
3. The Assistant Engineer,
Corporation of Chennai, Zone XIV,
Puzhuthivakkam,
Chennai-600 091.
4. The Executive Engineer,
Greater Chennai Corporation,
Zone-XIV, Division 198,
No.6/64, Puzhuthivakkam Main Road,
Chennai-600 091.
5. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Chennai.



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6. The Assistant Commissioner,
Corporation of Chennai, Zone XIV,
Puzhuthivakkam, Chennai-600 091.

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7. The Sub Registrar,
Joint-I, Saidapet,
Chennai (South),
Chennai.

8. The Commissioner of Police,
Vepery, Periyamed,
Chennai-600 007.

9. The Chennai Metropolitan Development Authority,
Rep. by its Managing Director,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

10. S.Gayathiri
11. Abinash
12. Jebaselwyn
13. Ananda Kannan
14. Ragavendran
15. Kesan
16. Pavalavannan
17. Hussain Bhai
18. Athiq Ahamed
19. Anand
20. Leena Foregard
21. Syed Ali Sharkeel
22. Abrahan
23. Senthil Raja
24. Ambarish
25. G.H.Rizwan Ahamed
26. Sivakumar
27. S.Santha Kumari
28. Thilagavathi
29. B.Vijaya



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30. S.Valli
31. Siva Sankari
32. Mohan
33. Senthil Kumar
34. Mohan Raj
35. Alamelu
36. Manimaran
37. Sathish
38. Gnasekaran

... Respondents

(R10 to R38 impleaded as per order dated 30.07.2024)

Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 9 from in any manner evicting or interfering with the peaceful possession of the petitioner's land in S.No.84/6A1B, Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District to an extent of 1500 sq.ft.

For Petitioner	:	Mr.B.Nithish Kumar
For R5, 7 & 8	:	Mr.K.Karthik Jagannath Govt. Advocate
For R1 to R4 & R6:	:	Mrs.Aswini Devi
For R9	:	Mr.R.Sivakukmar
For R10 to R38	:	Mr.R.Rajaram

ORDER

(By Hon'ble Acting Chief Justice)

This Writ Petition has been filed to forbear the respondents 1 to 9 from in any manner evicting or interfering with the peaceful possession of the petitioner's land in S.No.84/6A1B, Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District to an extent of 1500 sq.ft.



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2. It is the case of the petitioner that he is in possession and enjoyment of the property in S.No.84/6A1B and he also obtained patta in respect of the land. While so, the 1st respondent / Corporation, without any notice to the petitioner, had laid a road on the land and thereafter, based on the order dated 10.01.2019 passed in W.P.No.44359 of 2019, the 2nd respondent conducted an enquiry and passed an order dated 29.07.2019 that Corporation had encroached the petitioner's land. It is further case of the petitioner that subsequently, on the basis of the order passed in W.P.No.7791 of 2019 filed by a group of persons, the 3rd respondent, consequent to the order of this Court dated 15.03.2024, demolished the compound wall of the petitioner. It is also the case of the petitioner that there was no layout formed by the competent authority and the Corporation Officials are attempting to interfere with the peaceful possession of the petitioner and they wanted to lay road on the patta land of the petitioner.

3. According to the respondent Corporation, the layout has not been approved by the competent authority and the petitioner has constructed a compound wall thereon. A detailed counter affidavit has been filed by the 4th respondent Corporation, in which, the interim order dated 30.04.2021 passed by this Court has been referred to. For the sake of brevity, the relevant paragraphs of the order are extracted below:



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“....3. It appears from the photograph that the private respondent has put up a compound wall partly in road. Therefore, the said position should be maintained and there shouldnot be any further construction by the private respondent.

4. In the meanwhile, Respondents 3 and 4 shall inspect the property of the petitioner, private respondent and the adjacent properties and measure the properties and ascertain as to whether the adjacent owners have left enough space for laying the road and if it is so, what is the extent, after giving notice to all the parties. Call the matter on 09.06.2021....”

4. On going through the said interim order, it could be visualized that the dispute revolves around laying of road on the land, which is stated to be a patta land, according to the petitioner. Admittedly, the layout has not been approved by the competent authority and therefore, it can be termed as unapproved layout. The petitioner has raised a wall on the unapproved layout as indicated by the respondent corporation in the counter affidavit.

5. In the light of the above background, we are of the view that disputed question of facts are involved in this case, which cannot be gone into by this Court in a writ jurisdiction, as the parties have to work out their remedy before the Civil Forum. Hence, this Writ Petition is disposed of, with liberty to the aggrieved parties, more so, the petitioner herein, to approach the competent Civil Court to redress the grievances, if so advised. The interim order already granted by this Court shall be in force for a period



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HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,
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of two weeks from the date of receipt of a copy of this order, to enable the petitioner to approach the Civil Forum, if so desired. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.] [P.B.B,J.]
23.09.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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To:

1. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Chennai.
2. The Sub Registrar,
Joint-I, Saidapet,
Chennai (South),
Chennai.
3. The Commissioner of Police,
Vepery, Periyamed,
Chennai-600 007.

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