



WEB COPY

W.P.No.15681 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

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

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.15681 of 2019

and

W.M.P.No.15556 of 2019

M/s.Ashok Leyland Employees' Cooperative
Industrial Housing Society Ltd.,

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil Nadu,
RD & I.A Department, Fort St. George,
Chennai – 600 009.
2. The Collector,
Tiruvallur, Tiruvallur District.
3. The Collector,
Chennai.
4. The Commissioner,
Corporation of Chennai, Chennai.
5. The Chairman,
Chennai Metropolitan Development Authority,



Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Chennai -8.

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6. The Chairman,
Slum Clearance Board,
Kamarajar Salai, Chennai.

7. The Revenue Divisional Officer,
Tondiarpet, Chennai – 81.

8. The Tahsildar,
Tiruvottiyur,
Chennai – 19.

9. Nehru Nagar (Glass Factory) Kudivazhvor

10. Tiruvotriyur Kamarajar Nagar
Gudisai Vazhvor Seva Sangam

11. Tiruvotriyur Gandhiji Nagar
Kudiyiruppor Nala Sangam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the Impugned order passed by the 2nd Respondent in Na.Ka.No.20601/2013/Aa1, dated 26.3.2018 and quash the same and consequently direct the Respondents to remove the encroachments made by the Respondents 9 to 11 made in Sadayankuppam Battai Road comprised in Survey No 274, 275, 276, 279, 280, 282, 418 and 618B, Thiruvottiyur



Village and thereby put the road back to its utility.

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For Petitioner : Mr.Ravichandran
For R1 to R3, R7 & R8 : Mr.A.Selvendran,
Special Government Pleader
For R4 : Mr.E.C.Ramesh, SCGCC
For R5 : Mrs.P.Veena Suresh,
Standing Counsel for CMDA
For R6 : Mrs.K.Indumathy Venkatesh,
Standing Counsel for TNUHDB
For R9 & R10 : Mr.R.Munuswamy
For R11 : Not ready in notice

ORDER

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

The proceedings of the District Collector, Tiruvallur dated 26.03.2018 is sought to be quashed in the present writ proceedings.

2. The petitioner is M/s.Ashok Leyland Employees' Co-operative Industrial Housing Society. The grievances of the writ petitioner is that the



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public road has been encroached upon by private individuals and as per approved layout plain obtained by the writ petitioners Co-operative Industrial Housing Society, the portion has been earmarked as public road. The complaint in this regard given by the writ petitioner was elaborately enquired into by the District Collector, Tiruvallur. The District Collector, Tiruvallur obtained field inspection reports and verified the revenue records and formed an opinion that there was no encroachment. That apart, the disputed portion of the land has been taken over by the Slum Clearance Board and allotments were made in favour of certain beneficiaries. If at all any road has been included in the approved layout plan and encroachments are identified, then alone the High Court can interfere. However, in the present case, the report of the District Collector would reveal that there is no such encroachment and the disputed land has already been allotted in favour of few individuals by the Slum Clearance Board and that being the factum established, we do not find any reason to interfere with the order impugned. Further, the writ petitioner states that the Government poramboke land has been irregularly allotted in favour of individuals by forming layout by the Slum Clearance Board. However, that cannot be a ground to pass an order of



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eviction by this Court. Such an irregularity, if any noticeable, the writ petitioner is at liberty to approach the competent Civil Court of law or in alternate, the writ petitioner may file further appeal or review before the higher authorities.

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3. With these observations, the Writ Petition stands dismissed.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

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

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Index : Yes

Speaking order

To

1. The Secretary to Government of Tamil Nadu,
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4. The Commissioner, Corporation of Chennai, Chennai.
5. The Chairman, Chennai Metropolitan Development Authority,
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and
K.RAJASEKAR, J.

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