



W.P.No.7787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.7787 of 2024

Padmavathy

... Petitioner

Vs.

- 1.The Member Secretary-CMDA,
ThalamuthuNatarajan Building,
Egmore, Chennai – 600 008.
- 2.The Director,
DTCP-Head Office,
No.359W+V8Q, E&C Market Road,
Koyambedu, Chennai – 600 107.
- 3.The Municipal Commissioner,
The Municipality Office,
42FJ+R2J, Thirunindravur High Road,
Thirunindravur, Thiruvankadu Nagar,
Nadukuthagai, Tamil Nadu – 602 024.
- 4.The District Collector,
Thiruvallur District,
Thiruvallur – 602 001.



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5. The Commissioner of Police,
Avadi Commissioner,
Avadi – 600 054.

6. The Revenue Divisional Office (RDO)
Bharathiyar Street,
SP Nagar, Thiruvallur – 602 003.

7. The Tahsildar,
Avadi Taluk Office,
Modern City, DeenaDaiyalan Nagar,
Pattabiram – 600 054.

8. The Directorate of Town and Country Planning Office DTCP,
No.43/387A, Second Floor,
Annai Indira Gandhi Salai,
Hariram Nagar, Periyakuppam,
Thiruvallur – 602 003.

9. TNEB/TANGEDCO,
No.110, KVSS, Poonamallee High Road,
Thirunindravur,
(Near Thirunindravur Railway Station)
Chennai – 602 024.

10. The Inspector of Police,
T-11, Thirunindravur Police Station,
Thirunindravur – 602 024.

11. The Village Administrative Officer,
V.A.O.,
Thirunindravur A-Village,
Nadukuthagai,
Thirunindravur – 602 024.



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12.S.Ponnurangam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to inspect the property in the year of 2007 Doc.No.12777, Avadi, SRO.Survey No.128/4, measure of 1200 square feet, Thiruvallur District, Plot No.12, Ganesapuram, Thirunindravur Village, and demolish the unauthorised construction in the petitioner property by the 12th respondent and consequentially direct the respondents 1 to 3 to take appropriate action against the 12th respondent.

For Petitioner	:	Mr.M.J.Nissar Ahmed
For R1	:	Mr.Y.Bhuvanesh Kumar Standing Counsel for CMDA
For R2, R4, R6 to R8 & R11	:	Mrs.V.Yamuna Devi Special Government Pleader
For R3	:	Mr.RA.Gopinath Standing Counsel for Avadi Corporation
For R5 and R10	:	Mr.A.Gokulakrishnan Additional Public Prosecutor



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ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to demolish the unauthorised construction put up by the 12th respondent in the petitioner's property measuring an extent of 1200 square feet at Plot No.12, Ganesapuram, Thirunindravur Village, Thiruvallur District.

2.It is the case of the petitioner that he purchased the property in the year 2007 by a registered document and that the private respondent, namely the 12th respondent, had put up a construction without any title to the property. It is his definite case that the 12th respondent has trespassed into his property. It is only on account of the encroachment alleged by the petitioner, he has filed this writ petition stating that the construction put up by the 12th respondent is unauthorised.



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3.This Court, without going into the issue whether the construction is unauthorised or without a planning permission or not, finds that the petitioner's remedy is to approach the Civil Court to establish his title and seek any appropriate relief upon establishing his right or title over the property. The petitioner has not even stated when the 12th respondent put up construction and why it is not opposed. This Court is not inclined to entertain this writ petition, as the petitioner's grievance or legal injury suffered by him is purely on account of his claim over the property, even though there is also an allegation that the construction is not in accordance with the Building Regulations. In the said circumstances, this writ petition is dismissed, however, preserving the liberty to the petitioner to approach the Civil Court to establish his title and seek appropriate relief. No costs.

(S.S.S.R., J.) (N.S., J.)
25.03.2024

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Internet : Yes

Index : Yes / No



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Neutral Citation : Yes / No

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