



W.P.No.23696 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23696 of 2021
W.M.P.No.24943 of 2021

1. C.Gopi
2. R.Dhanasekar

...Petitioners

-Vs-

1. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2. The Commissioner,
Poonamallee Municipality,
Poonamallee,
Chennai – 600 056.

3. Subramanian
4. Arun Babu
5. Jaya Prakash
6. Abharaham

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to maintain 30 feet public road within the Sri Ambal City approved layout, Queen Victoria road, Poonamallee, Chennai, without any hindrance and without allowing anyone to alter the physical features of the public road.



WEB COPY



W.P.No.23696 of 2021

For Petitioners : Mr.C.Jagadish
For Respondents :
For R1 : Mrs.P.Veena Suresh
Standing Counsel
For R2 : Mr.V.Manoharan
Additional Government Pleader
For R3 to R6 : No appearance

ORDER

This writ petition has been filed for direction directing the respondents 1 & 2 to maintain 30 feet public road within the Sri Ambal City approved layout, Queen Victoria road, Poonamallee, Chennai.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served on the respondents 3 to 6 and their names also printed in the cause list, no one is present either by person or through counsel.

3. The petitioners are the purchasers of their respective plots in Sri Ambal City lay out situated at Queen Victoria Road, Poonamallee, Chennai. Thereafter, they constructed their respective house and residing there. Originally the developers had applied and obtained for layout approval in approval No.P.P.D./L.O.No.29/2006 dated 31.03.2006. As



W.P.No.23696 of 2021

per the approved lay out, there are 65 numbers of housing plots by forming 30 feet internal layout roads and also certain portion of lands were earmarked as park. Insofar as the road portion is concerned, the land was also gifted by executing gift deed dated 16.03.2006 and the same was registered vide document No.514 of 2006 in favour of the second respondent and also by way of rectification deed registered vide document No.596 of 2006 dated 28.03.2006. Therefore, there is no land vested with the fourth respondent and it is put to use as public road. It has been maintained as road by erecting street lights by the second respondent. While being so, the respondents 3 to 6 are being the office bearers of the Sri Ambal Nagar Residents Welfare Association, trying to put up construction on the western side of the layout road abutting the petitioners' property. Hence the petitioners filed the present writ petition with the above prayer.

4. Considering the above facts and circumstances, the respondents 1 & 2 are directed to maintain 30 feet road as per the approved lay out within the Sri Ambal City, situated at Queen Victoria Road, Poonamallee, Chennai.



W.P.No.23696 of 2021

5. With the above directions, the Writ Petition stands allowed.

Consequently, connected miscellaneous petition is also closed. There shall be no orders as to costs.

28.10.2024
(1/2)

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



W.P.No.23696 of 2021

WEB COPY

To

1. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
2. The Commissioner,
Poonamallee Municipality,
Poonamallee,
Chennai – 600 056.



WEB COPY



W.P.No.23696 of 2021

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.23696 of 2021
W.M.P.No.24943 of 2021

28.10.2024
($\frac{1}{2}$)