



W.P.No.26286 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26286 of 2023

G.Lakshmi

.. Petitioner

Vs.

1. The District Collector
First Floor, Collectorate Building
Master Plan Complex NH 205
Chennai-Tirutani Highways
Thiruvallur 602 001.
2. The Assistant Director
Town Panchayat Assistant Director Office
Thiruvallur District.
3. The Tahsildar
Poonamallee Taluk Office
Ettima Nagar, Poonamallee
Chennai 600 056.
4. The Village Administrative Officer
Poonamallee Taluk, Thirumazhisai
Madavilaku Village
Nazarethpettai 600 123.



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5. The Executive Officer
Thirumazhisai Town Panchayat Office
No.14/1A, Athukal Street
Thirumazhisai, Thiruvallur 600 124.

6. Muniyappa .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 5th respondent to expedite action in Na.Ka.No.706/2023/A3 dated 05.06.2023 issued by the 2nd respondent within a stipulated period.

For the Petitioner : Mr.B.Ram Prasath

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for Respondents 1 to 5

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.B.Ram Prasath, learned counsel for the petitioner and Mr.T.K.Saravanan, learned Government Advocate for the respondents 1 to 5.

2. The petitioner contends that the sixth respondent has



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encroached upon her property. Without obtaining construction permission, the sixth respondent has constructed the structure, which is illegal and unauthorised.

3. According to learned counsel for the petitioner, the petitioner has made construction long back. At that time, construction permission was not necessary for the petitioner. The Development Control Rules have come into force subsequently and the sixth respondent has constructed without construction permission and in the land of the petitioner.

4. If a private person encroaches the private property of the petitioner, then, writ petition is not the remedy. The petitioner has to vindicate his rights in the civil Court.

5. The petitioner will also have to demonstrate whether his construction is authorised or otherwise. The petitioner may approach the civil Court as may be permissible under law.



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6. The writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

kpl

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