



WEB COPY



W.P.No.24822 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM :

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

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.24822 of 2024 and

WMP Nos.27175, 27176 and 27177 of 2009

G.Malliga

... Petitioner

Vs.

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

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6. The Tahsildar, Sozhinganallur Taluk,
Sozhinganallur, Chennai.

7. The Assistant Engineer, Corporation of Chennai,
Zone XIV, Puzhuthivakkam,
Chennai 600 091.

8. The Chennai Metropolitan Development Authority,
Rep. by its Managing Director,
No.01, Gandhi Irwin Road, Egmore,
Chennai 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking issuance of a writ of Certiorarified mandamus, calling for the records in proceedings in Z.O.14/C.No/A1/5835/2019, dated 30.04.2024 and quash the same and consequently direct the respondents to forbear them from in any manner interfering with the peaceful possession of the petitioner's land in S.No.74/1, in PATTA No.31061 at Rajesh Nagar 6th Main Road, Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District to an extent of approximately 1500 square feet and consequently restore the land of the petitioner, as per the proceedings of the 6th respondent, dated 22.02.2019 in Na.Ka.No.3804/2018/A1 addressed to the third respondent.

For Petitioner : Ms.K.Subhashini

For Respondents : Mrs.P.T.Ramadevi, Standing Counsel

for respondents 1 to 5 and 7

Mr.T.K.Saravanan, Government Advocate

for sixth respondent



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ORDER

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The petitioner has filed the instant writ petition to quash the proceedings in Z.O.14/C.No/A1/5835/2019, dated 30.04.2024 and consequently forbear the respondents from in any manner interfering with the peaceful possession of the petitioner's land in S.No.74/1, in PATTA No.31061 at Rajesh Nagar 6th Main Road, Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District to an extent of approximately 1500 square feet and consequently restore the land of the petitioner, as per the proceedings of the 6th respondent, dated 22.02.2019 in Na.Ka.No.3804/2018/A1 addressed to the third respondent.

2. According to the petitioner, she is the owner of the subject matter of the property, for which patta was also issued in her favour and she is in possession of the property. However, pursuant to the order passed by this Court in W.P.No.7791/2019, dated 15.03.2024, the Corporation authorities have issued the impugned notice, intimating that they are taking action to remove the encroachments and demolishes the compound walls in the



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survey Nos.84/3, 84/2A2, 74/1, 84/6A1B at Rajesh Nagar, 5th and 6th Main Road and Cross street, Pallikaranai. The petitioner contended that, without following the legal procedure, the respondent Corporation issued the impugned notice that too started demolishing the compound wall constructed in her patta land, without properly ascertaining the actual lands, which were encroached upon the road.

3. In said writ petition bearing W.P.No.7791/2019, which was filed seeking direction to the authorities concerned to remove the encroachments made by the 5th and 6th respondents thereon, in the public road at 6th Main Road, Rajesh Nagar, Pallikaranai, the present writ petitioner, viz. Malliga was arrayed as 6th respondent. The Division Bench of this Court, after perusing the layout, which indicate that 20 feet road has been formed, has directed the authorities concerned to remove the encroachments made in the public roads. In compliance to the above order, the Corporation authorities have taken steps to remove the encroachments and has issued the impugned notice.



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4. However, in consideration of the contentions made by the petitioner that she is the owner of the subject matter of the property and patta was also issued in her name with regard to the said property, we are of the view that the above aspects shall be established only before the Trial Court by adducing oral and documentary evidence and this court sitting under Article 226 of Constitution of India, cannot go into the above issues.

5. Accordingly, this writ petition is dismissed, granting liberty to the petitioner to approach the civil court seeking remedy. There shall be no order as to costs. Connected miscellaneous petitions are closed.

(D.K.K., A.CJ.) (P.B.B.J.)

29.08.2024

Internet: Yes/No
Index : Yes/No
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