



WEB COPY



W.P.No.23978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23978 of 2024

&

W.M.P.Nos.26245 and 26246 of 2024

- 1.D.Sailaja Reddy
2. Sujai Anand.D
3. Nandhitha Devireddy

... Petitioners

Vs

1. The Managing Director
Chennai Metropolitan Water Supply and Sewerage System
(CMWSSB)
No.1, Pumping Station Road
Chintadripet, Chennai – 600 002

2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai – 600 003

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from undertaking any construction in or any action with respect to the land measuring 15.81 cents, comprised in Survey No.71/1BID1A and land measuring 57.30 cents comprised in Survey No.70/1B1A1, situated at



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Neelankarai Village, Sholinganallur Taluk, Chennai District lying within the sub-registration District of Neelankarai and Registration District.

For Petitioner : Mr.J.Lenin

For Respondents : Mr.G.T.Subramanian
Standing counsel

ORDER

This writ petition has been filed forbearing the respondents from putting up construction in the portion of lands comprised in Survey No.71/1BID1A and land measuring 57.30 cents comprised in Survey No.70/1B1A1, situated at Neelankarai Village, Sholinganallur Taluk, Chennai District [hereinafter 'said property'].

2. The petitioners are joint owners of said property and the petitioners father Ranga Reddy purchased the said property vide sale deed dated 12.04.1994 registered as Document No.1134/1984 on the file of Sub-Registrar Office, Adyar. The petitioner's father Ranga Reddy died intestate leaving his father Raghava Reddy, wife Kousalya and the petitioners as his legal heirs. Subsequently, Raghava Raddy and petitioners' mother also died intestate and thereafter, petitioners obtained patta vide Patta No.5780 and



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paying all taxes and other charges. It is further submitted that at the request of erstwhile Panchayat President, petitioners permitted to construct a water tank in the vacant portion of the said land. While that being so, in the last week of June 2024, the first respondent demolished the water tank and upon enquiring, the petitioners were informed that the first respondent has proposed to construct a sewerage system on the land belonging to the petitioners.

3. The learned Standing counsel for second respondent submits that it was permitted by the petitioners to put up a water tank in the vacant portion of the land comprised in Survey Nos.71/1B1D1A and 70/1B1A1 adjoining the temple premises.

4. Admittedly, the said land was not acquired by the respondents to construct a sewerage system or for any other purpose. Now the water tank has been demolished and first respondent is proposed to construct a sewerage system. However, no acquisition was made and said land is not acquired for the said purpose. In view of the above, the respondents are at liberty to put up construction only after acquiring the said land in the manner known to law.



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With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.08.2024
(1/2)

Index:Yes/No
Neutral Citation/Yes/No
gpa

To

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G.K.ILANTHIRAIYAN, J.

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