



WP No.25329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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J.Velu

: Petitioner

versus

- 1.The District Collector,
Chennai District
- 2.The Tahsildar,
Sholinganallur Taluk,
Chennai District
- 3.The Commissioner,
Greater Chennai Corporation,
Chennai District
- 4.The Regional Deputy Commissioner (South)
Regional Office (south)
Greater Chennai Corporation,
Adyar, Chennai 20
- 5.The Order of Servants of Mary (Scoeity)
rep. By its President,
Jothi Madha Aliyam,
No.5/301, Madha Koil Street,
Okkiyam Thoraipakkam,



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Chennai 600 097

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6.P.N.Kumar

7.P.N.Jothi

8.P.N.Mani

9.P.N.Ramachandran

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents, particularly respondents 1 to 4 to take necessary action as against respondents 6 to 9, to remove encroachment for free access over the 40' Madha Koil Street, situate at No.148, Okkiyam Thoraipakkam Village, Chennai 97, comprised in S.Nos.354/1, 355/2, 357/5 and 357/6 on the basis of the petitioner representation dated 24.07.2024.

For Petitioner : Mr.R.Thanjan

For Respondents 1, 2 : Mr.A.Edwin Prabhakar,
State Government Pleader
assisted by Mr.M.Habeen Rahman,
Government Advocate

ORDER

(Order of the Court was made by
SENTHILKUMAR RAMAMOORTHY, J.)

Petitioner seeks a direction to respondents 1 to 4 to take action against respondents 6 to 9 for removal of encroachment over the 40 feet Madha Koil Street at No.148, Okkiyam Thuraipakkam Village.



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2. Petitioner asserts that he is a resident of Madha Koil Street and that he was using the 40' road. He further states that respondents 6 to 9 had conveyed this property to the fifth respondent church. Since respondents 6 to 9 are allegedly preventing the public, including the petitioner, from using the road, the present writ petition was filed.

3. Learned counsel for the petitioner submits that the fifth respondent permitted the corporation to use this road as a public road. In support of this submission, learned counsel relies upon the communication from the Secretary of the fifth respondent to the fourth respondent herein. He further submits that a compromise was reached between the fifth respondent and respondents 6 to 9, in OS No.206 of 2017 before the Additional District Munsif Court, Alandur.

4. Although the petitioner relies upon the communication from the fifth respondent to the fourth respondent with regard to the intention to permit the road to be used by the public, the petitioner has been unable to place on record any documents indicating that this is public property. On the contrary, it is admitted in paragraph 2(e) of the affidavit in support of



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the writ petition that it is private land.

5. In addition, the petitioner has not even averred that this is the only access available to the petitioner. In these circumstances, we are not inclined to exercise discretionary jurisdiction by entertaining this writ petition.

6. Therefore, WP No.25329 of 2024 is dismissed without any order as to costs.

(K.R.SHRIRAM, CJ.)

**(SENTHILKUMAR
RAMAMOORTHY, J.)**

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Index : Yes/No
Neutral Citation : Yes/No
tar



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