



WEB COPY



W.P.No.24486 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.24486 of 2024

S.MANJULA
PROPRIETOR OF MANI MEDICALS,
4, PADASALAI STREET,
MANALI, CHENNAI-600 068.

.. Petitioner

Vs

1. THE COMMISSIONER
GREATER CHENNAI CORPORATION,
RIPON BUILDING, CHENNAI-600 003.

2. THE EXECUTIVE ENGINEER
GREATER CHENNAI CORPORATION,
ZONE-02 (MANALI), 1,
KAMARAJAR SALAI, MANALI,
CHENNAI-600 068.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records issued by the 1st respondent in Z.O.II.C. No.2050/2024, dated 15.07.2024 and quash the same.



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For the Petitioner : Mr.P.John Bosco
For Respondents : Mr.G.T.Subramanian
Standing Counsel

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Calling in question the legality of the notice dated 15.7.2024 issued by the first respondent directing the petitioner to remove the encroachment within fifteen days, the present writ petition is filed.

2. The petitioner claims to be the absolute owner of the property in Survey No.209, Manali, Chennai, to an extent of 392 sq. ft., having purchased the same under a registered sale deed dated 18.12.1997. In response to the notice dated 20.6.2024 alleging that the petitioner had encroached on the public property, the petitioner asserts to have produced all the necessary documents before the authorities concerned, however, without considering the same, the first respondent has mechanically issued the impugned notice dated 15.7.2024. Hence, the present writ petition.



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3. Learned counsel for the petitioner submitted that the aforesaid property is classified as “*natham*” and not as “*public road*” as claimed by the respondents and, moreover, there is no encroachment put up by the petitioner.

4. Learned Standing Counsel for the respondent Corporation submits that, despite opportunity granted to the petitioner, she has not furnished the required documents and, therefore, the first respondent had issued the impugned notice directing eviction of the petitioner.

5. At this juncture, learned counsel for the petitioner piteously entreated this court to direct the authorities to conduct a survey of the writ subject property based on revenue records and undertakes that, if upon survey any encroachment is found, the petitioner shall surrender the encroached portion, without any further notice.

6. Considering the overall conspectus of the matter, we direct the respondents to conduct a survey of the writ subject land with



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the assistance of a Surveyor, based on the revenue records, and if it is found that any encroachment exists, then, as agreed by the petitioner, the same shall be surrendered by the petitioner. If the petitioner does not surrender the encroached portion as undertaken, it is for the respondents to proceed further with the removal of the encroachment without any further notice. The entire exercise of survey, after issuing prior notice to the petitioner, and the consequential action, if any encroachment is found, shall be undertaken within a period of two weeks from the date of receipt of a copy of this order. Till such time, the impugned notice issued by the first respondent is kept in abeyance.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.No.26797 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
22.08.2024

Index : Yes/No
NC : Yes/No
sasi



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To:

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P.B.BALAJI, J.

(sasi)

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