



W.P.No.26123 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26123 of 2023

Tranquil Garden Plot Owners Association
(Harshini Farms and Estates)
Rep. by its President
H 103/F1, SuksagarApts
III Seaward Road, Valmiki Nagar
Thriuvanmiur, Chennai 600 041.

.. Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government
Department of Rural Development
Secretariat, Fort St. George
Chennai 600 009.
2. The District Collector
Collector Office
Kanchipuram District.
3. The Tahsildar
Tiruporur
Tiruporur Taluk
Kanchipuram District.



W.P.No.26123 of 2023

4. The President
Pudupakkan Panchayat Union
Pudupakkam.

5. The Secretary
Pudupakkan Panchayat Union
Pudupakkam.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the respondents to take necessary steps to remove all the encroachments made in the roads lying in Tranquil Garden layout and in particular to remove the illegally erected and occupied structures on the 3rd cross street of Tranquil Garden, Pudupakkam, Pudupakkam Panchayat, Vandalur Taluk immediately and restore the road for usage of public in general.

For the Petitioner : Mr.G.Govarthanan
For Ms.V.J.Latha

Mr.D.Baskar
for petitioner in
WMP No.34888/23

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for Respondents 1 & 2

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.G.Govarthanan, learned counsel for Ms.V.J.Latha, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate for the respondents 1 to 3 and



W.P.No.26123 of 2023

Mr.D.Baskar, learned counsel for the petitioner in W.M.P.No.34888 of 2023.

2. The Tahsildar has filed the status report on the last date.

Paragraph 5 of the same reads thus:

"5. It is submitted that the inspection of the structures alleged by the petitioner in the 3rd cross street of Tranquil Garden, Pudupakkam, was inspected and it was found that the alleged structures have been made not in the public road as alleged by the petitioner and the structures like borewell and hut have been erected only in the patta land comprised in Survey No.160/1A1C of the adjoining layout. It is also submitted that according to the village accounts, the land in which the structures are in existence belongs to one Thiru.Venugopal as per Patta No.8118 and it is a patta land and not a public road as alleged by the petitioner. Enquiry in the village revealed that the layout promote of Tranquil Garden has sold the plots in the said layout by illegally indicating the land comprised in the aforesaid S.No.160/1A1C as public road in the Layout plan and whereas, the aforesaid



W.P.No.26123 of 2023

land in the patta land stands registered in the name of Thiru.Venugopal as per Patta No.8118. As regards the allegation of encroachments in the public roads of the aforesaid layout it is submitted that the Block Development Officer, Thiruporur is competent to initiate appropriate action on the removal of encroachments."

3. According to third respondent, there is no encroachment on the road as alleged.

4. Learned counsel for the petitioner submits that the survey/ measurement has not been properly carried out. If the measurement is erroneously done, the petitioner has a remedy of appeal against the measurement.

5. In the writ petition, disputed questions of fact cannot be gone into. As per the status report filed, encroachment does not exist. It is for the petitioner to take steps as may be permissible under law.



W.P.No.26123 of 2023

WEB COPY

6. The writ petition is disposed of. There shall be no order as to costs. In view of the disposal of the writ petition, W.M.P.No.34888 of 2023 for impleadment stands disposed of. Consequently, W.M.P.No.25515 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.02.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

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W.P.No.26123 of 2023

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W.P.No.26123 of 2023

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