



WP Nos.28107 and 28111 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

WP Nos.28107 and 28111 of 2024

MTC Business Pvt. Ltd
rep. By its Authorised Signatory,
S.Boopathy

: Petitioner in both petitions

versus

1.The District Collector,
Tiruvallur District,
Collectorate Building Complex,
Tiruvallur 601 201

2.The Tahsildar,
Periya Obulapuram Village,
Gummidipoondi Taluk,
Tiruvallur District

3.The District Revenue Officer,
Tiruvallur Collector Office Complex,
Tiruvallur 601 201

4.The Assistant Engineer,
P.W.D., Water Resources Department,
Lakshmipuram Ancuit Section,
Kavaraipettai Section,
Gummidipoondi, Tiruvallur

: Respondents in both petitions

Prayer in WP No.28107 of 2024: Petition filed under Article 226 of the



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Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records leading to impugned notice No.2/P/A/KA/2024 dated 13.08.2024 by the 4th respondent and quash the same as illegal, arbitrary and consequently forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the land bearing S.No.128, bearing D.No.147/1, Madarpakkam Road, Periya Obulapuram Village, Gummidipoondi 601 201.

Prayer in WP No.28111 of 2024: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records leading to impugned notice No.4/P/A/KA/2024 dated 13.08.2024 by the 4th respondent and quash the same as illegal, arbitrary and consequently forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the land bearing S.No.145/2, bearing D.No.147/1, Madarpakkam Road, Periya Obulapuram Village, Gummidipoondi 601 201.

For Petitioner	:	Mr.S.Vijayaraghavan for Mr.D.Vivekanandan
For Respondents	:	Mr.A.Edwin Prabhakar, State Government Pleader assisted by Mr.T.K.Saravanan, Government Advocate

COMMON ORDER



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

Petitioner has approached this Court impugning a notice dated 13.08.2024 issued by fourth respondent, calling upon petitioner to remove the encroachment.

2. On 23.09.2024, an order was passed by this Court. Paragraph nos.4 and 5 of the said order read as under:

“4. At this juncture, learned counsel appearing for the petitioner submitted that, if a survey is conducted and if any encroachment is found on the Odai, the petitioner is ready to surrender the said area of encroachment to the respondent authorities. Alternatively, learned counsel for petitioner submitted that the petitioner is ready to construct a bridge or culvert in the said Odai for free flow of water.

5. To ascertain whether any encroachment has been put-up by the petitioner on the Odai in question, as agreed by learned counsel for the parties, we direct the second respondent Tahsildar to conduct a survey of the land in question with the assistance of the Surveyor based on the revenue records, in the presence of the petitioner on 26.09.2024 and file a report before this Court on the next date of hearing. The petitioner is directed to cooperate for conducting survey by the respondent authorities.”



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3. Today, a report dated 30.09.2024 is filed, from which it appears that there has been encroachment by petitioner. The encroached portions are identified in pages 5 and 6 of the compilation tendered by Mr.A.Edwin Prabhakar, learned State Government Pleader.

4. Mr.S.Vijaya Raghavan, learned counsel for petitioner, states that petitioner shall have the encroachment removed and thereafter build a culvert over the encroached area so that there is no impediment to free flow of water. Learned counsel also states that in the alternative, respondent no.4 may build the culvert and the entire cost shall be reimbursed by petitioner, or petitioner may pay the contractor directly. Learned counsel is also agreeable that if the amount is not so paid within one week of being informed about the cost, it will be open to respondent No.4 to demolish the culvert and take such action as against petitioner, in accordance with law, including recovery of amount spent on the culvert.

5. As regards the encroachment on the rear portion of the property, Mr.A.Edwin Prabhakar, learned State Government Pleader, stated that it is



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non-negotiable and the encroachment has to be removed.

6. Learned counsel for petitioner stated that the encroached area is actually a guest house built for its workmen, and within four weeks from today, the encroachment shall be removed.

7. The said statement is accepted as an undertaking to this Court.

8. In view of the above, learned counsel on both sides agree that nothing survives in the writ petition. The writ petition stands disposed of. There will be no order as to costs. Consequently, WMP Nos.30658 and 30660 of 2024 are closed.

(K.R.SHRIRAM, C.J.)

(D.KRISHNAKUMAR, J.)

01.10.2024

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

To

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Tiruvallur District,



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