



W.P.No.32898 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.32898 of 2017

S.Prameela

.. Petitioner

-VS-

1. The District Collector
62, Rajaji Salai
Chennai 600 001
2. The Commissioner
Greater Chennai Corporation
Chennai 600 003
3. The Thasildhar
Purasaiwalkam Taluk
Chennai 600 003
4. The Assistant Engineer (A.E)
Tamil Nadu Electricity Board
No.181/304, Thambu Chetty Street
George Town, Chennai 600 001
(R4 suo motu impleaded vide order
dated 19.01.2018 in WP.32898/17)



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5. The Zonal Officer-V
Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai 600 021
(R5 suo motu impleaded vide
order dated 09.04.2018 in WP.32898/17)

6. Tmt.Alamelu
W/o Emayavarman
7. Thiru.Magesh
S/o Perumal
8. Thiru.Sathish
S/o Imayavarman
9. Tmt.Stella
- 10.Thiru.Venkatesh
S/o Perumal
- 11.Tmt.Mahasakthi
W/o Velankanni
- 12.Thiru.Ranjini
- 13.Tmt.Sathya
W/o Kuppan
- 14.Thiru.Pakkiri
- 15.Tmt.Valli
W/o Anandhan
- 16.Thiru.Paramasivam
- 17.Thiru.Saravanan
S/o Balakrishnan
- 18.Thiru.Prabu
S/o Jothi
- 19.Thiru.Raji
S/o Padu
- 20.Tmt.Devi
- 21.Thiru.Kuppan
S/o Muniyan



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22.Thiru.Venkatesh

S/o Veerappan

23.Thiru.Kamaraj

24.Tmt.Kavitha

W/o Arumugam

25.Tmt.Vadivu Ammal

W/o Dhayalan

26.Thiru.Gopi

27.Thiru.Senthil

S/o Poongavanam

(R6 to R27 impleaded vide

order dated 07.08.2018 made in

WMP.24027/18 in WP.32898/17)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider petitioner's representation dated 08.08.2017 and consequently directing the respondents to remove the road encroachment made in Ayyasamy Mudali Second Lane, George Town, Chennai 600 001 and restore the public road, within the time limit that may be stipulated by this Court.

For Petitioner :: Mr.Vijayan Subramanian
for Mr.A.Jenasenan

For Respondents :: Mrs.V.Yamuna Devi
Special Government Pleader
for R1 & R3
Mr.D.B.R.Prabhu
Standing Counsel for R2 & R5
R4, R6 to R27 – No appearance



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ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed for issuance of a mandamus directing the respondents to consider the petitioner's representation dated 08.08.2017 and consequently directing the respondents to remove the road encroachment made in Ayyasamy Mudali Second Lane, George Town, Chennai and restore the public road within the time limit that may be stipulated by this Court.

2. The case of the petitioner is that she has purchased an extent of 806 square feet of land and put up construction bearing Door No.14 in Ayyasamy Mudali Second Lane, George Town, Chennai. The petitioner, after finding that her access to the public road is denied by several persons who encroached into the public road, appears to have given several representations to the second respondent for demolition of the unauthorized construction and for removal of encroachment by several persons. Despite the representation dated 08.08.2017 submitted by the petitioner, the



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respondents have not taken any steps and therefore, the petitioner is constrained to file the above writ petition for the relief aforesaid.

3. This Court, after taking note of the fact that the public road, which has to provide access to the petitioner's building, is being encroached by 22 persons, directed the local body to implead all the persons who are found to be in encroachment of the road. Accordingly, the encroachers were impleaded as respondents 6 to 27.

4. Though the individuals have been served and some of them are represented by a counsel, few of them are not represented by any counsel. However, the names are printed in the cause list. In the said circumstances, this Court proposes to examine the stand taken by the second respondent.

5. In the counter affidavit filed by the second respondent, the second respondent has categorically admitted that after survey, they identified that substantial portion of the road have now been encroached and the officials were unable to remove the encroachment, as the encroachers are arguing



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with the officials and preventing them from doing their work.

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6. Having regard to the specific stand taken by the official respondents and the fact that the encroachers have not produced any document before this Court to show their independent claim or lawful possession, this Court directs the second respondent to initiate action for demolition of the unauthorized construction put up by the respondents 6 to 27 and to remove the encroachments. The District Collector, Chennai may consider the representation of such encroachers for alternative accommodation, if they are below poverty line or have no wherewithal or means. However, the removal of encroachment need not wait till the District Collector is convinced for providing alternative accommodation based on the economic status of the encroachers. It is needless to say that the second respondent shall ensure that proper procedure is being followed before carrying out the demolition of unauthorized construction or for removal of encroachment made by the encroachers. The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this order.



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7. With the above direction, the writ petition stands disposed of.

Consequently, W.M.P.No.36268 of 2017 is closed. No order as to costs.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

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SS

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