



WEB COPY



W.P.No.31947 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P.No.31947 of 2024

Dr.A.Pandurangan

...Petitioner

Vs.

1. The Additional Secretary(Technical),
Housing and Urban Development Department,
Secretariat, Chennai-9.
2. The Executive Engineer, Besant Nagar Division,
Tamil Nadu Housing Board, Adyar,
Chennai 600 020.
3. The Executive Engineer-II, Zone-13,
Greater Chennai Corporation, Adyar,
Chennai 600 020.
4. The Assistant Executive Engineer,
Unit-40(A) Greater Chennai Corporation,
Adyar, Chennai 600 020.
5. The Assistant Engineer,
Division-175, Greater Chennai Corporation,
Adyar, Chennai 600 020.
6. P.Jayamanian

... Respondents



W.P.No.31947 of 2024

PRAYER : Writ Petition filed under Article 226 of Constitution of India seeking to issue a writ of mandamus, directing the respondents 3 to 5 to remove the encroachment caused by the sixth respondent over the 20 feet road, alongside his building bearing door No.1111, TNHB Colony, 7th Street, Velacherry, Chennai 600 042, vide representation dated 19.04.2023 and 26.09.2024.

For Petitioner : Mr.AR.M.Arunachalam

For Respondents : Mr.M.Habeeb Rahman,
Govt. Advocate for first respondent

Mrs.P.T.Ramadevi, Standing Counsel
for respondents 3 to 5

ORDER

(Order of the Court was delivered by **D.KRISHNA KUMAR, J.**)

This Writ petition has been filed to direct the respondents 3 to 5 to remove the encroachment caused by the sixth respondent over the 20 feet road, alongside his building bearing door No.1111, TNHB Colony, 7th Street, Velacherry, Chennai 600 042, vide representation dated 19.04.2023 and 26.09.2024.



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2. Learned Standing Counsel appearing for the respondents submitted that, already the petitioner herein has filed writ petition in W.P.No.30802 of 2024 before this Court with an identical prayer as sought for in the present writ petition and the same was came to be dismissed as withdrawn, vide order dated 24.10.2024.

3. Learned counsel for the petitioner has denied that the prayer as sought for in the earlier writ petition was not similar to the present writ petition.

4. We have gone through the prayer as sought for in the above said W.P.No.30802 of 2024 and it is reproduced here under.

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 to 5 to remove the encroachment caused by the sixth respondent over the 20 feet road, alongside his building bearing door No1115, 1116 and R-44, TNHB Colony, 7th Street, Velacherry, Chennai 600 042, vide representations dated 19.04.2023 and 26.09.2024.

In the said writ petition, at request of the learned counsel for the petitioner, order has been passed and the same is extracted as follows.



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" After the petition was heard for some time, counsel sought leave to withdraw the petition. Petition dismissed as withdrawn. There will be no order as to costs.

2. At the same time, we note the statement made by counsel for respondents 3 to 5 that action, in accordance with law, has already been taken and notices issued, including to petitioner."

5. Learned counsel for the petitioner, even though denied that the prayer as sought for in the earlier writ petition was not similar to the present writ petition, in our view, the door number alone is varied from the prayer of the present writ petition and hence no new cause action has been arose for filing the present writ petition. Further, since the petitioner has filed the writ petition suppressing the above material factum of filing the earlier writ petition, we are inclined to dismiss the writ petition with costs.

6. Accordingly, this writ petition is dismissed with cost of Rs.20,000/- (Rupees twenty thousand) to be paid by the petitioner to the State Legal Services Authority, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

(D.K.K, J.) (P.B.B., J.)
30.10.2024

Internet: Yes/no
Index : Yes/No
mst



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WEB COPY To

1. The District Collector,
Office of the Collectorate,
Salem District.
2. The Revenue Divisional Officer,
Officer of the RDO, Attur Taluk,
Salem District.
3. The Tahsildar, Officer of the Tahsildar,
Thalaivasal Taluk,
Salem District.



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D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

mst

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30.10.2024