



WEB COPY



W.P.No.35062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.35062 of 2024

K.Narasimma Reddy

S/o.Ramachandra Reddy

... Petitioner

VS

1. The Commissioner

Greater Chennai Corporation

Rippon Building, Greater Chennai Corporation

Chennai – 600 003

2. The Tahsildar

Alandur Taluk

Alandur, Chennai

3. The Assistant Taluk Inspector

Alandur Circle

Alandur, Chennai – 600 016

4. Saravana Kumar



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5. Chandrasekar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to remove the encroachment made by 4th and 5th respondents in T.S.No.166, Jeevan Nagar, 4th Street, 2nd Cross, Adambakkam, Adambakkam Village, Alandur Taluk, Division No.161, Zone 12, Block No.13 and Ward -E, Greater Chennai limits and restore the same as lane.

For Petitioner : Mr.K.V.Sajeev Kumar

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel for R1

Mr.T.K.Saravanan
Govt. Advocate for R2 and R3

ORDER

(Order of the Court was made by K.RAJASEKAR, J.)

This writ petition has been filed seeking a direction to the first respondent to remove the encroachment made in T.S.No.166, Jeevan Nagar, Adambakkam, Alandur, which is classified as “Street”.



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2. It is the case of the writ petitioner that he is residing in T.S.No.168. The private respondents 4 and 5 are residing in T.S.No.165 and 169 respectively and they have encroached the portion of the road in T.S.No.166, constructed a compound wall and put up a gate, thereby prevented the general public from using portion of the road which is under the maintenance of the Corporation. The learned counsel also drew our attention to the layout plan and photographs of the those survey numbers including the alleged superstructure put up by respondents 4 and 5.

3. Issue notice to official respondents i.e., Respondents 1 to 3.

4. Mr.D.B.R.Prabhu, learned Standing counsel accepts notice for R1 and Mr.T.K.Saravanan, learned Government Advocate accepts notice for R2 and R3.

5. With the consent of all the learned counsel, the main writ petition itself is taken up for final disposal.



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6. The learned Standing Counsel for the Corporation submits that T.S.No.166 has been classified as a “Road” and they would conduct a survey and if encroachment is found, they would proceed under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999) (ULB Act hereafter).

7. Recording the submission of the learned Standing counsel and by preserving the rights of the private respondents (R4 and R5) and without expressing any opinion on the merits of the claim of parties, this writ petition is disposed off, by directing the first respondent to conduct survey and if any encroachment is found in T.S.No.166 (Road), they shall proceed further in accordance with Section 128 (1) (b) of ULB Act, after affording opportunity to the private respondents. No costs.

[M.S., J]

[K.R.S., J]

27.11.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

gpa



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To

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**M.SUNDAR,J.,
and
K.RAJASEKAR, J.,

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