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W.P.Nos.18624 of 2017
& 3061 to 3065 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.Nos.18624 of 2017 & 3061 to 3065 of 2018

and

W.M.P.Nos.3746, 3747, 3749, 3750 & 3752 of 2018

W.P.No.18624 of 2017:

Mrs.Meera Ramesh Babu

... Petitioner

Vs.

- 1.The District Collector,
Thiruvallur,
Office of the Collectorate,
Thiruvallur.
- 2.The Commissioner,
Madhavaram Municipality,
Chennai.
- 3.The Zonal Officer of Madhavaram,
Zone – III, Chennai.
- 4.K.Balasundaram
- 5.N.Arumugam



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6.N.Saravanan

7.N.Senthil

8.N.Ramu

9.N.Lakshmipathy

10.S.Selvakumar

11.S.Suresh Babu

12.M.Arun

13.D.Krishnakumar

... Respondents

[R3 suo-motu impleaded]

[R4 impleaded as per order dated 10.01.2018 in
WMP.No.514/2018 in WP.No.18624/2017]

[R5 to R13 impleaded as per order dated 14.02.2018
in WMP.No.3975/2018 in WP.No.18624/2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to act on the representation dated 17.10.2016 and remove the encroachments surrounding the property bearing Plot No.25, Thanigachalam Nagar, comprised in Survey No.1152/2 (as per patta 1152/ 2ALB) bearing Plot No.2 situated at No.34, Madhavaram Village, Saidapet Taluk, Chengalput District.

For Petitioner : No Appearance

For R1 : Mr.A.Selvendran
Special Government Pleader

For R2 & R3 : Mr.G.T.Subramanian



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W.P.Nos.18624 of :
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Standing Counsel [For GCC]

For R4 to R13

: Mr.J.R.K.Bhavanantham

W.P.No.3061 of 2018:

K.Balasundaram

... Petitioner

Vs.

1.The District Collector,
Tiruvallur Office of Collectorate,
Tiruvallur.

2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Chennai.

3.The Zonal Officer of Madhavaram Municipality,
Zone – III, Chennai.

4.Mrs.Meera Ramesh Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in reference to the impugned notice in reference vide Z.O.3/C. No./75/2018, dated 08.01.2018 on the file of 2nd respondent and quash the same and direction to the respondents 1 to 3 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit-8, Zone-3, Ponnammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00180-000/MDV-51099.



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W.P.No.3062 of 2018:

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M.Arun

... Petitioner

Vs.

- 1.The District Collector,
Tiruvallur Office of Collectorate,
Tiruvallur.
- 2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Chennai.
- 3.The Zonal Officer of Madhavaram Municipality,
Zone – III, Chennai.

4.Mrs.Meera Ramesh Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in reference to the impugned notice in reference vide Z.O.3/C.No./75/2018, dated 08.01.2018 on the file of 2nd respondent and quash the same and direction to the respondents 1 to 3 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit-8, Zone-3, Ponniammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00215-000/MDV-51100.

W.P.No.3063 of 2018:



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& 3061 to 3065 of 2018

1.N.Arumugam

2.N.Saravanan

3.N.Senthil

4.N.Ramu

5.N.Lakshmipathy

... Petitioners

Vs.

1.The District Collector,
Tiruvallur Office of Collectorate,
Tiruvallur.

2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Chennai.

3.The Zonal Officer of Madhavaram Municipality,
Zone – III, Chennai.

4.Mrs.Meera Ramesh Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in reference to the impugned notice in reference vide Z.O.3/C.No./75/2018, dated 08.01.2018 on the file of 2nd respondent and quash the same and direction to the respondents 1 to 3 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanaikoil Street, Div-33, Unit-8,



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Zone-3, Ponnammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed
in Property Tax vide Bill No.03-033-00169-000/MDV-1168.

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W.P.No.3064 of 2018:

D.Krishnakumar

... Petitioner

Vs.

1.The District Collector,
Tiruvallur Office of Collectorate,
Tiruvallur.

2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Chennai.

3.The Zonal Officer of Madhavaram Municipality,
Zone – III, Chennai.

4.Mrs.Meera Ramesh Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in reference to the impugned notice in reference vide Z.O.3/C.No./75/2018, dated 08.01.2018 on the file of 2nd respondent and quash the same and direction to the respondents 1 to 3 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit-8, Zone-3, Ponnammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00160-000/MDV-51112.



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W.P.No.3065 of 2018:

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1.S.Selvakumar

2.S.Suresh Babu

... Petitioners

Vs.

1.The District Collector,
Tiruvallur Office of Collectorate,
Tiruvallur.

2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Chennai.

3.The Zonal Officer of Madhavaram Municipality,
Zone – III, Chennai.

4.Mrs.Meera Ramesh Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in reference to the impugned notice in reference vide Z.O.3/C.No./75/2018, dated 08.01.2018 on the file of 2nd respondent and quash the same and direction to the respondents 1 to 3 forbearing them from initiating proceedings for removal of alleged encroachment in Survey 1152/1A2A1, at New Door No.37, Old Door No.103, Bajanai Koil Street, Div-33, Unit-8, Zone-3, Ponnammanmedu, Madhavaram Taluk, Chennai – 600 110 assessed in Property Tax vide Bill No.03-033-00199-000/MDV-51093.



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For Petitioners	: Mr.J.R.K.Bhavanantham (in WP.Nos.3061 to 3065 of 2018)
For R1	: Mr.A.Selvendran Special Government Pleader (in WP.Nos.3061 to 3065 of 2018)
For R2 & R3	: Mr.D.B.R.Prabhu Standing Counsel [For GCC] (in WP.Nos.3061 to 3065 of 2018)
For R4	: No Appearance (in WP.Nos.3061 to 3065 of 2018)

COMMON ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

Chennai Corporation issued notice under Section 222 read with Section 220 of the Chennai City Municipal Corporation Act, 1919, dated 08.01.2018 for removal of encroachments from the public road.

2. The Corporation Authorities identified ten numbers of encroachers at Thanikachalam Nagar, Madhavaram, Chennai.

3. We could find out many such encroachers are indulging in litigious



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possession in order to grab the public properties one way or other. Such ill-motives of the encroachers at no circumstances be encouraged by the Courts. Writ petition after writ petitions are instituted one way or other and civil suits are also instituted by claiming right over the property.

4. As far as these writ petitions are concerned, notice under Chennai City Municipal Corporation Act was issued to remove the encroachments in public roads. Therefore, removal of such encroachments from the public roads are unconnected with the dispute relating to the patta properties.

5. Corporation Authorities are empowered to conduct survey, identify encroachments in public roads and remove the same by following the procedures as contemplated under the Act. Since the notice has already been issued in the year 2018 and by virtue of an interim stay granted in the present writ petitions, the encroachers continue to be in occupation.

6. Therefore, we are not inclined to grant any further leniency. All such encroachments in public roads are to be removed for the benefit of the public good. The encroachers are at liberty to submit their objections, if any to the



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authorities competent. The authorities competent shall look into the documents and objections filed, if any and thereafter remove all the encroachments. The respondents are directed to follow the procedures as contemplated. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, all the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S., J.] [K.R.S., J.]
13.03.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

1. The District Collector,
Thiruvallur,
Office of the Collectorate,
Thiruvallur.
2. The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Chennai.
3. The Commissioner,
Madhavaram Municipality,
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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