



W.P.No.4039 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.4039 of 2025

and

W.M.P.No.4537 of 2025

C.BALAKRISHNAN
Petitioner

...

Vs

THE ESTATE OFFICER & PRINCIPAL CHIEF ENGINEER,
INTEGRAL COACH FACTORY,
CHENNAI- 600 038.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders made in No.W/W/Encr./Amb.Road dated 23.12.2024 passed by the respondent, quash the same and consequently forbear the respondents from interfering with the petitioner property right measuring to an extent of 2400 sq.ft in T.S. No.93, Block No. II, Old Paimash No.334 and 335 of No.73/A, Villivakkam, Malligaichery Village, Saidapet Taluk, Chengleput district within the Sub Registration District of Ambattur measuring east to west 80 feet on the both sides; North to South - 30 feet on both sides, bounded on the North by Vaithinatha Iyer plot, East by Madras Battai Road, South by Mohan Rao plot and West by Subramanian plot and within the Jurisdiction of



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Villivakkam Town Panchayath.

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For Petitioner : Mr.J.Balagopal
For Respondent : Mr.K.Srinivasa Murthy
Senior Panel Central Government
Standing Counsel

ORDER

This writ petition is filed challenging the impugned order made in No.W/W/Encr./Amb.Road dated 23.12.2024.

2. The impugned order is in the nature of a show cause notice issued under sub-section (2) of Section 5-A of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The show cause notice alleges that the petitioner has constructed a wall and other structures on T.S No.183, which is the land belongs to the railways.

3. The learned counsel appearing on behalf of the petitioner would submit that the petitioner purchased the property in the year 1982 and has only constructed structures on the said property. Therefore, the entire exercise of power by the respondent is uncalled for, especially when the petitioner has built on his own property.



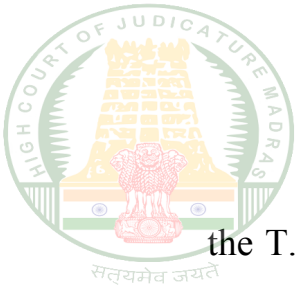
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4. On perusal of the sale deed produced along with the type set of papers, it can be seen that the petitioner is the owner of the premises in T.S.No. 93. Further, it can be seen from the affidavit filed in support of the writ petition that T.S.No.183 belongs to the railways and an easementary right for the use of the land as a pathway was granted by the railways.

5. The learned counsel for the petitioner would submit that a road existed even at the time of the easementary right for the pathway was granted. But the said submission has no relevance since whether it is a road or an easementary pathway, the petitioner cannot construct anything on the said Survey Number T.S.No. 183. The show cause notice has been issued only with respect of T.S.No.183. If the petitioner can construct anything, it can only be on T.S.No. 93.

6. Therefore, it will be open to the petitioner to submit his reply within one week from today stating that his constructions are well within the limits of T.S.No. 93. The respondent shall consider the same and pass orders in accordance with law. Needless to state that if any construction falls beyond



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the T.S.No.93, which was purchased by the petitioner, the respondent will be entitled to remove it, as it is in the public interest that such construction be removed at the earliest.

7. With the above observations, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

12.02.2025

Neutral Citation: Yes/No
nsl

To
THE ESTATE OFFICER & PRINCIPAL CHIEF ENGINEER,
INTEGRAL COACH FACTORY,
CHENNAI- 600 038.

D.BHARATHA CHAKRAVARTHY, J.



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