



W.P.No.3173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.3173 of 2025

M/s.JK Properties

Rep. By its Sole Proprietor

Mr.J.Jayakrishnan

No.19, 4th Floor, Vellaiyan Street

Kotturpuram

Chennai – 600 085

.. Petitioner

VS

1. The Director

Chennai Metropolitan Development Authority

Talamuthu Natarajan Building

No.1, Gandhi Irwin Road

Egmore, Chennai – 600 008

2. The Commissioner

St. Thomas Mount Panchayat Union

Chitlapakkam, Chennai – 600 059

3. The Executive officer

Ottiyamabakkam Village



W.P.No.3173 of 2025

Tambaram Taluk
Chengalpattu District

4. Mr.Santhosh Kumar Gurumurthy
S/o.Gurumurthy

5. Mr.K.Satish Kumar
S/o.Kannan

6. Mr.T.Vinamani
S/o.Tamilselvan

7. Mr.T.Thirumurugan
S/o.Thyagarajan

8. Mr.Goutham
S/o.Pushpakumar

9. Mr.Palanivel
S/o.Sivalingam

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents 1 to 3 to remove the encroachment and projections over the roads made by Respondents 4 to 9 and other residents of Sri Sai Nagar in the road and road poramboke of the layout duly approved by the 1st respondent in PPD/LO.No.36/2020, PPD/LO.No.134/2021 and PPD/LO.No.185/2021 dated 18.05.2020, 15.09.2021, 13.12.2021 respectively by considering



W.P.No.3173 of 2025

petitioner's representations dated 17.11.2024 and 28.12.2024 by following the due process of law within a time frame as fixed by this Court.

For Petitioner : Mr.D.R.Arun Kumar
for Mr.R.Kannan

For Respondents : Mr.Y.Bhuvanesh Kumar
Standing counsel for R1 (CMDA)

Mr.T.K.Saravanan
Government Advocate for R2 & R3

ORDER

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

Captioned writ petition has been filed with a mandamus prayer i.e., prayer seeking removal of encroachments in land set apart for public road in a layout promoted by the writ petitioner.

2. Mr.D.R.Arun Kumar, learned counsel for writ petitioner submits that the writ petitioner had promoted a layout in three phases in lands



W.P.No.3173 of 2025

situate in Ottiyambakkam Village, Tambaram Taluk (formerly Sholinganallur Taluk), Chengalpattu District (formerly Kancheepuram District) in St.Thomas Mount Panchayat Union limit. These lands are situate in several survey numbers is learned counsel's say. Learned counsel further submits that approval from 'Chennai Metropolitan Development Authority' ['CMDA' for the sake of brevity] has been obtained for the layout in three phases. 'Phase I approval is dated 18.05.2020 bearing reference Letter No.L1/19681/2018-1, Phase II approval is dated 15.09.2021 bearing reference Letter No.Layout-1/0060/2021 and Phase III approval is dated 13.12.2021 bearing reference Letter No.Layout-1/0061/2021' [Collectively 'said approved layout' for the sake of convenience and clarity].

3. Learned counsel submits that as part of said approved layout, three registered gift deeds were executed by writ petitioner being gift deeds dated 17.02.2020 (Document No.2090/2020), 19.07.2021



W.P.No.3173 of 2025

(Document No.8726/2021) and 27.08.2021 (Document No.10962/2021)

WEB COPY

on the file of jurisdictional registering authority (Sub-Registrar Office, Selaiyur).

4. Learned counsel for writ petitioner submits that R4 to R9 who are purchasers of various plots qua said layout, while putting constructions thereat have encroached upon lands gifted for public road by certain extents beyond the compound wall either by way of paver blocks or in some other manner.

5. Issue notice to official respondents.

6. Mr.Y.Bhuvanesh Kumar, learned Standing counsel accepts notice for R1 and Mr.T.K.Saravanan, learned Government Advocate accepts notice for R2 and R3.



W.P.No.3173 of 2025

WEB COPY

7. Learned Standing counsel for R1 submits that there is no Director for CMDA and it is only Member Secretary. We record this submission and we shall be referring to R1 as CMDA for convenience and clarity. Learned Standing counsel for R1 submitted that the gifted lands were gifted vide aforementioned three gift deeds and it is for R2 (local authority) to maintain it as roads for the benefit of all concerned and general public. Learned State counsel for R2 and R3 submits that a survey will be conducted and if there is any encroachment in violation of said approved layout, action will be initiated in accordance with law, action will be commenced and concluded as expeditiously as possible after show-causing all concerned.

8. We make it clear that after survey, if encroachments are found and if alleged encroachers, be it private respondents (R4 to R9) or any other noticee is /are show-caused, all their rights and contentions will remain preserved untrammelled by this order. Therefore, there is no



W.P.No.3173 of 2025

impediment in taking up the main WP with the consent of learned

Standing counsel for R1, learned State counsel for R2 and R3 and

learned counsel for writ petitioner. We do so.

9. Learned State counsel submits that the survey will be conducted within three weeks from today i.e., on or before 24.02.2025. This submission is also recorded. At the time of conducting survey, all concerned shall be put on notice and if encroachments are found, as already alluded supra, alleged encroachers shall be show-caused and given an opportunity.

10. In the light of the narrative thus far, considering the facts and circumstances of the case, we deem it appropriate to dispose of the captioned main WP by recording the stated position of the learned State counsel.



W.P.No.3173 of 2025

WEB COPY

Ergo, the sequitur is, captioned main WP is disposed of as closed recording the stated position of learned State counsel. There shall be no order as to costs.

[M.S., J]

[K.G.T., J]

03.02.2025

Index: Yes/No

Speaking order / Non-speaking order

gpa

To

1. The Director

Chennai Metropolitan Development Authority

Talamuthu Natarajan Building

No.1, Gandhi Irwin Road

Egmore, Chennai – 600 008

2. The Commissioner

St. Thomas Mount Panchayat Union

Chitlapakkam, Chennai – 600 059

3. The Executive officer

Ottiyamabakkam Village

Tambaram Taluk, Chengalpattu District



WEB COPY



W.P.No.3173 of 2025

M.SUNDAR,J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

gpa

W.P.No.3173 of 2025

03.02.2025