



WEB COPY

WP No. 3284 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 3284 of 2024

R.Deivayanai

Petitioner(s)

Vs

1.The District Collector
Tiruvallur District, Tiruvallur.

2.The Thasildar
Taluk Office, Tiruttani,
Tiruvallur District.

3.The Commissioner
Municipality, Tiruttani,
Tiruvallur District.

4.Prabavathiyammal

5.Santhoshkumar

Respondent(s)



PRAYER

directing the respondents 1 to 3 to remove the unauthorised construction and encroachments made by the 4th and 5th respondents in Old Survey No.94/1A and 94/1B, New Survey No.94/1A, 1A in Sengunthar Nagar, 20 feet public road, Tiruttani Municipal limits in Tiruvallur District.

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For Petitioner(s): Mr.L.Chandra Kumar For Mr
P.Kannan Kumar

For Respondent(s): Mr.G.Ameedius Govt. Advocate
For R1 and R2
Mr. P. Srinivas For R3
R4 Died Steps Due
M/s. N. Manokaran For R5

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the respondents 1 to 3 to remove the unauthorised constructions and encroachments made by the respondents 4 and 5 in Old Survey Nos.94/1A and 94/1B, corresponding to New Survey Nos.94/1A and 1A located in Sengunthar Nagar, 20-feet Public Road, Tiruttani Municipal limits in Tiruvallur District.

2. With reference to the relief sought for in the present writ petition, the Commissioner of Tiruttani Municipality was directed to file a counter affidavit.



Admittedly, a portion of the land was purchased by the petitioner from the 4th respondent. This Court has perused the layout plan produced by the petitioner,

which is enclosed at page 47 of the typed set filed along with the writ petition.

With reference to the layout, the Commissioner of Tiruttani Municipality filed the counter affidavit stating the following facts:

“4. It is submitted that the petitioner is the purchaser of the Plot No.45, in the layout formed by the 4th respondent. She has her access to the plot from the street that is formed in the layout that lies to the west of her plot.

5. As per the layout plan, the portion of land over which the petitioner claims that the 4th and 5th respondents have encroached is a land that is not a street. It is a land that lies on the east of the plot No.45 and it is part of the patta lands of the developer of the layout and the same is not the part of any street either in the layout or in the adjacent public road. As such the said portion of land is a land retained by the developer of the layout.

6. It is further submitted that the said land has no structure in it and there is no construction in the



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same. Only a compound wall of about 6 feet in height is put up around the said plot of land in S.Nos.94/1A and 1B. As per the Rules, there is no requirement for obtaining any permission for putting up a compound wall not more than 2.4 Meters. Only if it exceeds the said height, a separate building permission is required for the compound wall.

7.

8.

9. Since as per the layout approval, the land over which the petitioner is alleging encroachment and illegal construction is not a part of any street and also in the said land there is no construction that requires a permission, save for the compound wall there is no necessity for this respondent to take action as per the allegations of the Petitioner.”

3. In view of the counter affidavit filed by the Commissioner, Tiruttani Municipality, it is made clear that the private respondents have not encroached upon the public street or land. If at all any dispute of civil nature exists between the private parties, they are at liberty to resolve the same by approaching the



Competent Civil Court of Law.

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4. With these observations, the Writ Petition stands dismissed. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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Tiruvallur District, Tiruvallur

2.The Thasildar

Taluk Office, Tiruttani, Tiruvallur
District

3.The Commissioner

Municipality Tiruttani, Tiruvallur
District

4.PRABAVATHIYAMMAL

W/o. K.Mohanakrishnan, No. 47a,
Jothisamy Street, Tiruttani, Tiruvallur
District

5.SANTHOSHKUMAR

S/o. K.Mohanakrishnan, No. 47a,
Jothisamy Street, Tiruttani, Tiruvallur
District



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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