



WEB COPY

W.P.No.8595 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

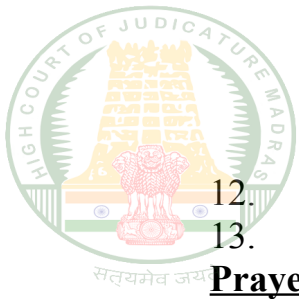
W.P.No.8595 of 2025

Pon.Thangavelu

... Petitioners

Vs.

1. The Commissioner,
Greater Corporation of Chennai,
Chennai - 600 003.
2. The Zonal Officer,
Zone 15,
Corporation of Chennai,
Sholinganallur - 600 119.
3. The Regional Deputy Commissioner,
Greater Chennai Corporation,
Regional Office - South,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai - 600 020.
4. Parthasarathy
5. T.Kamaraj
6. Murugan
7. G.Anna Durai
8. S.Shanmugam
9. J.V.Muthu
10. R.Muthukrishnan
11. Nasim Bai



W.P.No.8595 of 2017



12. Josephine Malathi
13. Hari Krishnan

... Respondents

Prayer: Writ Petitions filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, directing the respondents 1 to 3 to remove all sort of illegal construction made by respondents 4 to 13 in Door No.2/187 (Survey No.249), Door No.2/187A (Survey No.249), Door No.2/204 (Survey No.253/2), Door No.2/205, (Survey No.253/2), Door No.2/206, (Survey No.253/2), Door No.2/211, Survey No.253/2), Door No.2/211A, 2/218, 2/219B, 2/219C, 2/213, 2/191, 2/191E, all bearing Door No.253/2 of Injambakkam, Vettuvankeni Link Road, Hanuman Colony (Rajan Nagar 1st, 2nd & 3rd Street, Injambakkam, Chennai Corporation Ward No.194 of Zone XV.

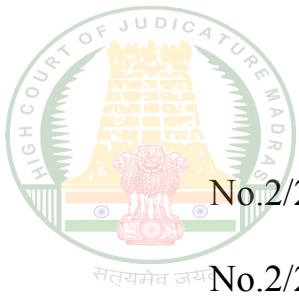
For Petitioner : Mr.A.P.Surya Prakasam

For Respondents : Mr.P.Prithivi Chopda
Standing Counsel for GCC for R1 to R3
: R4- No appearance
: Mr.K.Ganesan for R5 to R6
: Mrs.M.Malarvizhi for R7 to R10
: Mr.B.Hemnath for R11 to R13

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ of mandamus has been instituted to direct the respondent 1 to 3 to remove all sort of illegal construction made by respondents 4 to 13 in Door No.2/187 (Survey No.249), Door No.2/187A (Survey No.249), Door No.2/204 (Survey No.253/2), Door No.2/205, (Survey No.253/2), Door



W.P.No.8595 of 2

No.2/206, (Survey No.253/2), Door No.2/211, Survey No.253/2), Door No.2/211A, 2/218, 2/219B, 2/219C, 2/213, 2/191, 2/191E, all bearing Door No.253/2 of Injambakkam, Vettuvankeni Link Road, Hanuman Colony (Rajan Nagar 1st, 2nd & 3rd Street, Injambakkam, Chennai Corporation Ward No.194 of Zone XV.

2. With reference to the allegations of encroachment of 'Government Poromboke' lands, roads etc., and illegal constructions, this Court has directed the Greater Chennai Corporation to file a Status Report. Accordingly, inspection and survey was conducted and the Commissioner, Greater Chennai Corporation filed a status report. The status report categorically reveals that the Government land / Corporation roads are under encroachment causing greater inconvenience to the people of that locality and right to use the public road is also blocked on account of large scale encroachments in that area. The relevant paragraphs of the Status Reports reads as under:

"15. ...that there is a direction by this Hon'ble Court passed in W.P.No.33614 of 2024 dated 27.11.2024 directing the encroachers, that they shall hand over the possession of the encroached portion without any demur. However, even after Section 128 Notice under the Urban Local Bodies Act, 1998. None of the



WEB COPY

W.P.No.8595 of 2025



encroachers came forward to handover possession of the sites, till date.

16. *...in view of all the above facts, also taking in account the fact that various footpaths and cart tracks are under encroachment, I had issued a Circular dated 21.03.2025 to all the Zonal Officers, calling for a report from all Zonal Officers with regard to the over all steps taken to remove the encroachments on roads and footpaths within their respective limits. I further submitted that after identifying the encroachments, due process will be followed to evict the encroachers in accordance with law.*

17. *...as far as the encroachment found in S.No.253/2, 249 & 247 in Enjambakkam Village, Shollinganallur, already Section 128 Notice had been issued and the encroachers are in receipt of the same. Concerned Zonal Officers and engineers who had also engaged in talks with the encroachers for peaceful takeover of the site. In the event of the encroachers fail to hand over possession of the site peacefully as per the directions of this Hon'ble Court, all the encroachers will be evicted from the road encroachment by following the due process of law for implementing the 'Comprehensive Underground Sewerage Scheme to Injambakkam Division 194, Zone XV'.*



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3. Mr.P.Prithivi Chopda, the learned Standing Counsel appearing on behalf of the Chennai Corporation would submit that Section 128 Notice under the Urban Local Bodies Act, 1998 had already been issued to the encroachers and an opportunity has been provided to the encroachers to vacate the premises and handover the vacant possession to the Authorities for the purpose of maintaining the road and poromboke lands for public purposes. Admittedly, the land situate in Chennai city and therefore, encroachment will cause greater inconvenience to the road users and other people in that locality.

4. In view of the fact that statutory notice had already been issued to the encroachers, the Greater Chennai Corporation is directed to evict all the encroachers if required, with the assistance of the police and utilise the road and 'Government Poromboke' land for public purposes.

5. This Court already passed orders in W.P.No.39412 of 2024 dated 27.12.2024 and the relevant paragraph is extracted hereunder:

"6. Admittedly, petitioners are the encroachers and in occupation of the Government Poramboke land classified as "cart track". That being so, the petitioners have not established even a semblance of legal right for the purpose of entertaining the writ petition. If at all the petitioners are landless poor persons and



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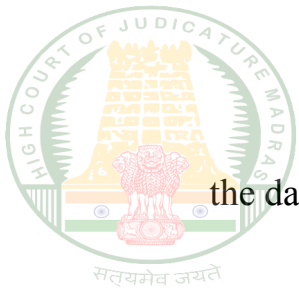
W.P.No.8595 of 2



having no other property or source of income, they are at liberty to submit an application to the Tamil Nadu Urban Habitat Development Board, who in turn shall consider the case for providing alternate accomodation in any one of the available projects as per the eligibility and on payment of requiried charges as per the rules in force."

6. Despite the order of this Court providing an opportunity to the eligible landless poor people to submit an application seeking allotment, the encroachers are continued to be in occupation of Corporation roads and 'Government Poromboke' lands. Thus the encroachers are not entitled for any further leniency from the hands of this Court. The practice of filing repeated writ petitions by the encroachers need not be encouraged by High Courts. The Corporation Officials are directed to not to show any leniency in the matter of eviction of encroachment from the public property.

7. Accordingly, the Greater Chennai Corporation is directed to evict all the encroachers if necessary, with the assistance of the police and take possession of the roads and Government lands under encroachment and utilise the same for public purposes in the manner known to law. The said exercise is directed to be completed within a period of eight (8) weeks from



W.P.No.8595 of 2



the date of receipt of a copy of this Court.

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8. Accordingly, the Writ Petition stands disposed of. No costs.

Post the matter for reporting compliance on **16.06.2025.**

[S.M.S,J.] [K.R.S,J.]
17.04.2025

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Commissioner,
Greater Corporation of Chennai,
Chennai - 600 003.
2. The Zonal Officer,
Zone 15,
Corporation of Chennai,
Sholinganallur - 600 119.
3. The Regional Deputy Commissioner,
Greater Chennai Corporation,
Regional Office - South,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai - 600 020.



WEB COPY



W.P.No.8595 of 2025

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

veda

W.P.No.8595 of 2025

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WEB COPY

W.P.No.8595 of 2025



WP No. 8595 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01-07-2025**

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WP No. 8595 of 2025

Pon.Thangavelu

S/o.Ponniah Servai, 2/214a, 2nd Street, Rajan Nagar, Enjambakkam,
Chennai-115.

Petitioner(s)

Vs

The Commissioner

Greater Corporation Of Chennai, Chennai-03. and 12 Others

Respondent(s)

For Petitioner(s): Mr.A.P.Surya Prakasam

For Respondent(s): Mr.P.Prithivi Chopda, St.Counsel for R1 to R3,

R4 - No appearance

Mr.K.Ganesan for R5 & R6

Mrs.M.Malarvizhi for R7 to R10

Mr.B.Hemnath for R11 to R13

ORDER

J.NISHA BANU,J.

and

M.JOTHIRAMAN,J.

Learned counsel appearing for the respondent Corporation has filed a compliance report and would state that the order passed by this Court dated 17.04.2025 has been complied with.

2. Since the order passed by this Court is complied with, no further order is necessary in this writ petition. Therefore, the writ petition stands closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)



W.P.No.8595 of 2



01-07-2025

-2-

To

1. The Commissioner
Greater Corporation Of Chennai, Chennai-03.
2. The Zonal Officer
Zone 15, Corporation Of Chennai, Sholinganallur-600 119.
3. The Regional Deputy Commissioner,
Greater Chennai Corporation, Regional Office-south, No.115,
Dr.Muthulakshmi Salai, Adayar, Chennai-600 020.
4. PARTHASARATHY
S/.Late. Durai, Doro No.2/187, Hanuman Colony 1st Street, Injambakkam,
Chennai-15.
5. T.Kamaraj
Residing At Door No.2/187a, Hanuman Colony 1st Street, Injambakkam,
Chennai-15.
6. MURUGAN
Residing At Doro No.2/187a, Hanuman Colony 1st Street, Injambakkam,
Chennai-15.
7. G.Anna Durai, S/o.Ganesan,
2/204, 9th Street, Hanuman Colony, Enjambakkam, Chennai-15.
8. SSHANMUGAM
S/o.Selvaraj, 2/205, 9th Street, Hanuman Colony, Enjambakkam, Chennai-15.
9. J.V.Muthu
S/o.Jodhva, 2/206, 9th Street, Hanuman Colony, Enjambakkam, Chennai-15.
10. R.Muthukrishnan
S/o.Ramakrishnan, No.2/211, 9th Street, Hanuman Colony, Enjambakkam,
Chennai-15.
11. Nasim Bai
No.2/219c, 9th Street, Hanuman Colony, Enjambakkam, Chennai-15.



W.P.No.8595 of 2



-3-

WEB COPY

12. Josephine Malathi

W/o.Late.Suresh, No.2/213, 9th Street, Hanuman Colony, Enjambakkam,
Chennai-15.

13. HARIKRISHNAN

S/o.Chandrasekaran, 2/191, D1 9th Street, Hanuman Colony, Enjambakkam,
Chennai-15.



WEB COPY

W.P.No.8595 of 2



-4-

J.NISHA BANU,J.
and
M.JOTHIRAMAN,J.
vsi

WP No. 8595 of 2025

01.07.2025