



W.P.No.5565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.5565 of 2024

and

W.M.P.No.23405 of 2024

S.Nagarani

W/o.K.A.Thirunavakarasu

... petitioner

vs.

1. The Commissioner
Corporation of Greater Chennai
Rippon Building
Chennai-600 003.
2. The Zonal Officer
Zone 8
Corporation of Greater Chenani
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.
3. The Thasildar
Egmore (Taluk)
Egmore
Chennai-600 008.
4. The Assistant Engineer
Zone-8, Ward 101
Corporation of Greater Chennai
Pulla Avenue, Shenoy Nagar,



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Chennai-600 030.

WEB COPY 5. V.Solai

6. Munuswamy
Proprietor, Munuswamy Vegetable Mart
No.1, 1/1A, Central Street (Kilpauk Garden Road)
Kilpauk Garden Colony
Chennai-600 010.
7. The Executive Engineer
The Tamil Nadu Urban Habitat Development Board
(previously Tamil Nadu Slum Clearance Board)
Kilpauk Garden, Division-III
T.P.Chathiram, Zone - VII
No.2/124, Sir Thiyagaraya Salai,
Teynampet, Chennai-600 018. ...Respondents

*** R7 Suo-motu impleaded vide order dated 10.07.2025**

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, to direct the 1st to 4th respondents to remove and demolish the illegally constructed temporary iron sheet 3 shops on the platform before the petitioner's plot compound wall by the 5th respondent and the 6th respondent, situated at No.1, Central Street, Kilpauk Garden Road, Kilpauk Garden Colony, Kilpauk, Chennai, Zone-8, Ward-101 of Chennai Corporation Limit.

For petitioner	:	Mr.T.C.Gopalakrishnan
For Respondents	:	Mr.T.K.Saravanan
		Additional Government Pleader,
		for R3
		Mr.A.Arun Babu
		Standing Counsel for R1, R2 & R4



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R5 - No appearance
R6 - No appearance
Mr.S.Karthikeyan
Standing Counsel, for R7

ORDER

[Order of the Court was made by M. SUNDAR, J.]

Alleged encroachment in front of writ petitioner's property situate at 'No.1, Central Street, Kilpauk Garden Road, Kilpauk Garden Colony, Kilpauk, Chennai Zone-8, Ward-101, Chennai Corporation Limit' {hereinafter 'said land' for the sake of brevity, convenience and clarity} is the complaint of the writ petitioner.

2. Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.06.2025 which reads as follows:

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M.SUNDAR,J.,

and

HEMANT CHANDANGOUDAR, J.,

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

Mr.T.C.Gopalakrishnan, learned counsel on record for writ petitioner and Mr.Arun Babu, learned Standing Counsel for GCC are before this Court.

2. R6 has been served and name is shown in the cause



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list but none appears. With regard to R5, R5 has entered appearance through counsel and name of learned counsel is shown in the cause list but there is no representation.

3. With the intention of giving an opportunity to R5 and learned counsel for R5, list this matter again three weeks hence with a caveat that the matter will be taken up if R5 is not present in the next listing also.

List on 10.07.2025.'

3. Today also, there is no representation for R5 and in the light of the earlier proceedings dated 19.06.2025 and considering the number of opportunities given to learned counsel for R5 and R5, we took up and heard out the matter on the basis of learned counsel before us namely, Mr.T.C.Gopalakrishnan, learned counsel on record for writ petitioner, Mr.Arun Babu, learned counsel for R1, R2 and R4 and Mr.T.K.Saravanan, learned Additional Government Pleader for R3.

4. Mr.Arun Babu, learned Standing Counsel for GCC submitted that alleged encroachment is in strip of land which vests in the Tamil Nadu Urban Habitat Development Board (previously Tamil Nadu Slum Clearance Board) but learned counsel for writ petitioner disputes this and submits that encroachments are in foot path (platform) which vests in GCC. We express no opinion on this contestation as we would now be directing a joint survey to be conducted.



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5. In the light of the submissions supra, we suo-motu implead the Executive Engineer, the Tamil Nadu Urban Habitat Development Board, (previously Tamil Nadu Slum Clearance Board), Kilpauk Garden, Division-III, T.P.Chathiram, Zone - VII, No.2/124, Sir Thiyagaraya Salai, Teynampet, Chennai-600 018 as R7 in the case file and Mr.S.Karthikeyan, learned Standing Counsel, accepts notice for R7 and Mr.T.K.Saravanan, learned Additional Government Pleader represents learned Standing Counsel for R7.

6. Learned State Counsel submits that survey of said land will be done within a period of six weeks from today, *i.e.*, on or before 21.08.2025 and depending on the outcome of the survey, action for removal of encroachment (if found) will be commenced *vide* 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity) and / or the Tamil Nadu Housing Board Act, 1961 (Tamil Nadu Act No.17 of 1961) {hereinafter 'TNHB Act' for the sake of brevity, convenience and clarity} and / or any other appropriate / applicable statute as expeditiously as the business of official respondents would permit but in any event within a period of four weeks therefrom, *i.e.*,



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on or before 18.09.2025. This submission is recorded.

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7. If there are encroachments, action against private respondents and/or other encroachers necessarily means that the private respondents would be show-caused. This Court makes it clear that all rights and contentions of private respondents are preserved if they are show-caused. Therefore, this Court does not touch upon the rights of private respondents.

8. The above means that alleged encroacher/s / private respondent/s will be put on notice/show caused, given an opportunity and action will be subject to and depending on cause shown / response of noticee/s. Therefore, captioned WP is taken up with the consent of learned counsel for writ petitioner and learned State counsel. Though obvious, it is made clear that this order does not touch upon the rights of noticee/s under the TNULB Act or any other appropriate/applicable statute. This means that all the rights and contentions of noticee/s stand preserved for responding suitably when show caused / visited with notices. Though obvious, for the sake of specificity, it is clarified that this Court, in instant order, has not expressed any view or opinion one way or the other regarding alleged encroachment *qua* said land.

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WEB COPY 9. In the light of the narrative thus far, captioned WP is disposed of in the aforesaid manner, recording the stated position of learned State counsel. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

10.07.2025

Index : Yes / No

Neutral Citation : Yes

Speaking / Non-speaking

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M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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To

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