



WEB COPY



W.P. No.7089 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.7089 of 2025

C.P.Gopinath

Petitioner

vs.

1. The District Collector
Rajaji Salai, Chennai 600 001
2. The District Revenue Officer/Regional Officer
Zone-10, Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam
Chennai 600 024
3. The Assistant Engineer
Zone-10, Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam
Chennai 600 024
4. Sonai Muthu
5. The Tahsildar
Mambalam Taluk
Chennai District
6. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003

Respondents

(RR 5 & 6 *suo motu* impleaded on 05.03.2025)



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Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of mandamus to consider petitioner's representation dated 12.12.2024 and to direct the respondents 1 to 3 to remove the encroachment made upon on the road, including constructs of new building in adjacent/annexure in Door No.7/13, Anantharama Krishnan Street, Devaraj Nagar, Saligramam, Chennai 600 093 made by the 4th respondent.

For petitioner Mr. V.R. Kamalanathan
for Mr. R. Manibarathi

For RR 1 & 5 Mr. M.S. Arasakumar
Government Advocate

For RR 2, 3 & 6 Mr. D.B.R. Prabhu
Standing Counsel

ORDER

[made by M.SUNDAR, J.]

Alleged encroachment on a '17 ft. wide public road *qua* Anantharama Krishnan Street, Devaraj Nagar, Saligramam, Chennai 600 093' (hereinafter 'said road' for the sake of convenience and clarity) by R4 (private respondent – Sonai Muthu) is the complaint of writ petitioner in the captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity).



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2. Mr. V.R. Kamalanathan, learned counsel appearing on behalf of Mr. R. Manibarathi, learned counsel on record for writ petitioner, advertng to the case file, submits that the parties are governed by a Civil Court decree dated 31.10.2003 in A.S.No.78 of 1987 on the file Subordinate Judge's Court, Poonamallee. Learned counsel submits that said road has now shrunk owing to encroachment in the form of construction put up by R4. Repeated complaints to official respondents, including a complaint dated 12.12.2024 have been in vain, this has necessitated the captioned main WP is learned counsel's further say.

3. Issue notice to RR 1 to 3.

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for R1 and Mr. D.B.R. Prabhu, learned Standing Counsel, accepts notice for RR 2 and 3.

5. Mr. M.S. Arasakumar, learned State counsel, on instructions, submits that a joint survey, after putting on notice, both writ petitioner as well as R4, will be done and if any encroachment is



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found in said road, suitable action under 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity) will be initiated.

6. Owing to joint survey to be conducted and as we are informed that if encroachment is found, action has to be initiated by Commissioner, Greater Chennai Corporation (GCC), we deem it appropriate to *suo motu* implead The Tahsildar, Mambalam Taluk, Chennai District and The Commissioner, GCC, Ripon Building, Chennai 600 003, as RR 5 and 6 respectively. We do so.

7. Mr. M.S. Arasakumar, learned State counsel, accepts notice for R5 and Mr. D.B.R. Prabhu, learned Standing Counsel, accepts notice for R6.

8. Learned State counsel further submits that the joint survey will be completed within four weeks from today *i.e.*, on or before 02.04.2025. If any encroachment is found in joint survey, action will be initiated after show causing R4 and/or any other alleged encroacher/s and this exercise under the TNULB Act will be completed



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within another eight weeks therefrom *i.e.*, on or before 28.05.2025, is learned State counsel's further say.

9. We make it clear that all the rights and contentions of R4 and/or any other alleged encroacher/s who is/are show caused will stand preserved untrammelled by this order and therefore, there is no impediment in taking up the main WP in the Admission Board itself. We do so with the consent of learned counsel on both sides.

10. We are of the considered view that it will suffice to record the stated position of the learned State counsel for giving a closure to the captioned main WP.

11. Therefore, we dispose of the captioned main WP by recording the stated position of the learned State counsel. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
05.03.2025

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NC : Yes/No

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