



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-07-2025**

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU**

**AND**

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WP No. 8774 of 2025 and**

**WMP No.9836 of 2025**

1. Mrs.M.Sakthi

D/o.Late S.Magavan,

No.83 Andiappan Street,

Kasi Kulam, West Mambalam,

Chennai 600033.

Petitioner(s)

Vs

1. The District Collector

O/o.The Collectorate,

Rajaji Salai, Chennai 600001.

2.The Commissioner

Greater Chennai Corporation,

Ripon Building, P.H.Road,

Chennai 600003.

3.The Additional Commissioner

Greater Chennai Corporation,

O/o.The Corporation Of Chennai,

Pulla Avenue, Shenoy Nagar, Chennai 600030.

4.The Tasildar

O/o.The Tasildar Mambalam,

K.K.Nagar, Chennai 78.



5.The Assistant Commissioner  
Greater Chennai Corporation, Zone X,  
N.S.Krishnan Salai, Kodambakkam, Chennai  
600024.

6.Assistant Engineer  
Ward 131 Zone 10,  
Greater Chennai Corporation, Ram Colony  
West Mambalam, Chennai 33.

7.Tamil Nadu Urban Habitat Development  
Board  
(previously Tamilnadu Slum Clearance Board),  
Rajaji Salai, Triplicane, Chennai 600005.

8.Mr.Ethirajan  
No.84 Andikuppam Street, Kasi Kulam, West  
Mambalam, Chennai 33. Respondent(s)

**PRAYER** Writ petition filed under Article 226 of Constitution of India seeking to issue a writ of mandamus, directing the respondents 1 to 6 to consider the petitioner's representation dated 08.02.2025 within the time frame fixed by this court.

For Petitioner(s): Mr.K.Seetharam

For Respondent(s): Mr. M.Rajendran,  
Addl.Govt.Pleader  
For R1, 3 & 4  
Mr. G.Venkatesn, Standing. Counsel  
For R7  
Mr. A.Arunbabu, Standing Counsel  
For R2, 5 and 6.  
R8 - No appearance

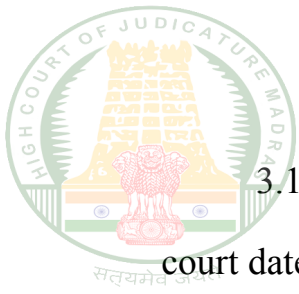
**ORDER****(Order of the Court was made by J.Nisha Banu J.)**

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This writ petition has been filed to direct the respondents 1 to 6 to consider the petitioner's representation dated 08.02.2025 and to pass orders, within a time frame as fixed by this court.

2. It is averred in the writ petition that, the 8th respondent is living opposite to his house and he constructed a new building, by encroaching 5 feet on the road and also constructed a balcony covering the entire road section beneath it. It is further stated that due to the said encroachment, the petitioner is deprived of natural sun light and air. The said deviation also cause great inconvenience to the people living around the area and causing hardship in using the common road. Therefore, the petitioner lodged a police complaint on 21.07.2024 and subsequently, he gave representations to the respondents 3 and 4 seeking to remove the encroachment made by the 8th respondent, but no action was taken. Hence this writ petition.

3. Today, the fifth respondent filed a status report stating that the alleged encroachment made by the 8th respondent in the pathway has to be inspected by the 4th respondent/Tahsildar, Mambalam Taluk and hence, letters and reminders were sent to him, requesting to inspect the site in question and to furnish a report. However, no reply was received from the 4th respondent.



3.1 It is further stated in the status report that, as per the order of this court dated 04.06.2025, the site in question was inspected and found that the 8th respondent had demolished the balcony projection made in the common pathway. It is also stated that the entire Kasi Kulam Area comes under the limit of Tamil Nadu Urban Habitat Development Board/ 7th respondent herein. Therefore, only after receipt of the report from the 4th respondent, the Chennai Corporation will be able to take action against the encroachment made by the 8th respondent, as per the provisions of the Tamil Nadu Urban Local Bodies Act 1998.

4. It is stated by the learned Standing Counsel and the learned Additional Government Pleader appearing for the respondents that the balcony projection made by the 8th respondent was already removed by him. Further, it is contended that only after identifying the exact area of the encroachment by the Tahsildar/4th respondent, necessary enforcement action can be taken to remove the encroachment.

5. In view of the submissions made by the learned Standing Counsel and the Additional Government Pleader and also taking note of the status report, we are inclined to direct the 4th respondent to identify the exact area encroached in the property of the petitioner as well as the 8th respondent. The said exercise shall be completed by the 4th respondent within a period of two weeks from the



date of receipt of copy of the order. Once such exercise is completed, the 2nd respondent shall take enforcement action by affording an opportunity of personal hearing to the petitioner and the 8th respondent and pass orders in accordance with law, within a period of 8 weeks thereafter.

6. With the above observations and directions, this writ petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

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

**02-07-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The District Collector

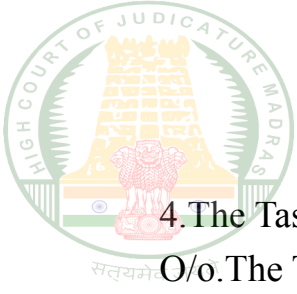
O/o.The Collectorate, Rajaji Salai,  
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