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W.P.No.14236 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.14236 of 2025

K.Yoganandhan

... Petitioner

Vs.

1.The Administrative Engineer,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Road,
Ayothiya Nagar, Triplicane,
Chennai – 600 005.

2.S.Lakshmi

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the 1st respondent to
consider petitioner's representation dated 04.03.2025.

For Petitioner : Mr.S.Ramachandran

For Respondents : Mr.G.Sivakumar,
Standing Counsel for R1
Mr.Shanmugavelan
for Mr.J.R.K.Bhavanatham for R2

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ORDER

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

Read this in conjunction with and in continuation of earlier proceedings made in the listing on 23.04.2025 which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM:

*THE HONOURABLE MR. JUSTICE M. SUNDAR
AND
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN
THILAKAVADI*

W.P.No.14236 of 2025

K. Yoganathan

Petitioner

vs.

- 1. The Administrative Engineer
Tamil Nadu Urban Habitat Development Board
No.5, Kamarajar Road
Ayothiya Nagar, Triplicane
Chennai 600 005 and another Respondents*

*For petitioner
For R1*

*Mr. S. Ramachandran
Mr. G. Sivakumar
Standing Counsel*



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ORDER

(made by M. SUNDAR, J.)

Captioned writ petition is predicated on a representation dated 04.03.2025 (hereinafter 'said representation' for the sake of brevity) wherein writ petitioner has sought removal of alleged encroachment in a common passage said to have been made by R2 (private respondent – S.Lakshmi).

2. Mr. S. Ramachandran, learned counsel on record writ petitioner, submits that after repeated representations, a part of the encroachment has been removed but the encroachment remains and complete removal is yet to happen. Learned counsel also draws our attention to a notice signed on 24.01.2025 issued by R1 (Administrative Engineer, Tamil Nadu Urban Habitat Development Board {hereinafter 'Habitat Development Board' for the sake of brevity}) to R2.

3. Issue notice to respondents.

4. Mr. G. Sivakumar, learned Standing Counsel for Habitat Development Board, accepts notice for R1 and submits, on instructions, that a part of the encroachment has been removed and seeks time to get further instructions.

5. As regards R2, we permit private notice returnable in eight weeks, i.e., returnable by 18.06.2025.



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6. *List under the cause list caption 'NOTICE REGARDING ADMISSION' in the Admission Board, i.e., Motion List, on 18.06.2025.'*

2. Today Mr.S.Ramachandran, learned counsel on record for writ petitioner, Mr.G.Sivakumar, learned standing counsel for R1 and Mr.Shanmugavelan, learned counsel representing Mr.J.R.K.Bhavanantham, learned counsel on record for R2 are before us.

3. Owing to the limited scope of the matter at hand, captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is taken up in the Admission Board with the consent of all the aforementioned counsel.

4. Adverting to the earlier proceedings dated 23.04.2025 (extracted and reproduced supra), learned standing counsel for R1 submits that part of the encroachment has been voluntarily removed and the removal of remaining part of the encroachment has to be carried out. Learned standing counsel for R1 submits that as part of

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the encroachment has been removed, for removal of remaining part,

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R2 who is alleged encroacher has to be put on notice and given an opportunity in accordance with law. When R2 is given an opportunity all questions are left open for R2 to respond.

5. Learned standing counsel for R1 submits on instructions that proceedings for removal of remaining part of the encroachment (that part which remains post part removal) will be commenced by the authorities concerned within six weeks from today i.e., on or before 30.07.2025 in accordance with the applicable statute and by following due process of law. This submission of learned standing counsel for R1 is recorded as an undertaking given to this Court.

6. This Court is of the considered view that recording of the stated position of learned standing counsel for R1 will suffice to give a closure to the captioned WP. Before we do that, we deem it appropriate to record that it is brought to our notice that some collateral proceedings in Bar Council has been commenced. We are informed that the writ petitioner is a member of this Bar. All questions



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are left open and this order will neither serve as an impetus nor impede such proceedings in any manner. In other words, this order will not impact such collateral proceedings and contentions of all parties concerned are left open.

7. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
18.06.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

The Administrative Engineer,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Road,
Ayothiya Nagar, Triplicane,
Chennai – 600 005.



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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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