



WEB COPY

WP.No.14965 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

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

W.P.No.14965 of 2025
and
WMP.No.16857 of 2025

R.Syed Sajid Ahmed

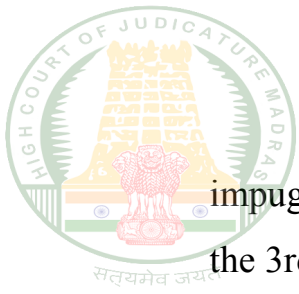
... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Chennai Metropolitan
Development Authority (CMDA),
Represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India,
seeking for an issuance of writ of certiorari, to call for the records of the



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impugned order vide Zone-XII C.No7375/2024 dated 18.03.2025 passed by the 3rd respondent and quash the same.

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For Petitioner : Mr.C.Samivel

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader for R1

: Mrs.Vanitha Joice Rani
Standing Counsel for GCC for R3

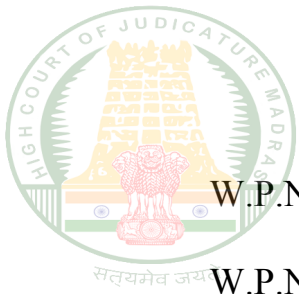
: Mr.Akhil Akbar Ali
Standing Counsel for CMDA for R2

ORDER

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

The order passed by the Regional Deputy Commissioner (South), Greater Chennai Corporation in proceedings dated 18.03.2025 is under challenge in the present writ proceedings.

2. Writ Petitions were filed to remove the encroachments in the public road. This Court passed an order directing the Authorities to initiate action by conducting inspection and survey and by verifying the revenue records. Pursuant to the order of the High Court dated 14.08.2023 in



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W.P.No.24082 of 2023 and W.P.No.24536 of 2023 dated 11.09.2023 and

W.P.No.31294 of 2024 dated 24.10.2024, the Authorities conducted an

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enquiry by affording opportunity to the parties.

3. The Regional Deputy Commissioner (South), Greater Chennai Corporation conducted an elaborate enquiry. The findings of the enquiry reads as under:

"The above reports were submitted by the Tahsildar of Alandur Taluk on 27.01.2025. In this report, Tahsildar of Alandur Taluk has stated the following:

*"As per the TSLR register, Town Survey No.100 (old S.No.37/2A2, 35/pt) with an area of 0.0925 sq.m is classified as *Sarkar Poramboke* in Adangal *Grama Natham* and is used as a road. However, in the Field Map (DBM), Ward A, Block 7, Town Survey No.100 has been incorrectly subdivided into 100/1 and 100/2. In both the hand-copy TSLR and the computerised TSLR, Town Survey No.100 remains undivided. Therefore, the classification of Town Survey No.100 as 100/1 and 100/2 in the Field Map (DBM) is incorrect. It is now identified as an encroached area."*



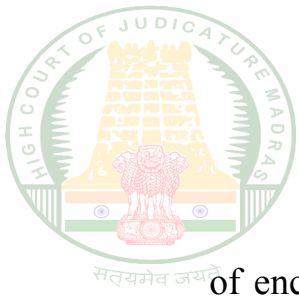
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After the careful examination of the documents produced by the petitioner comprising of TSLR Records, Field Map along with the report submitted by the Tahsildar, it is hereby concluded that S.No.100, Pazhavanthangal Village is a road. The petitioners have encroached upon the road portion, which belongs to the Greater Chennai Corporation. It is illegal and it is entitled to be removed under Section 128(1) (B) of the Tamil Nadu Urban Local Bodies Act, 1998.

4. Pertinently, the Tahsildar, Alandur Taluk participated in the process of enquiry. The Revenue records were verified and based on the above finding, further actions are initiated.

5. Learned Counsel for the petitioner would submit that Notice has been issued subsequently for eviction.

6. It is needless to state that once an enquiry is conducted and decision has been taken by the Corporation Authorities, then the competent Authority under the Land Encroachment Act has to initiate action for removal of encroachments by following the procedures.



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7. In the present case, Notice has already been issued for eviction of encroachments. That being so, the petitioner is not entitled for any relief from the hands of this Court.

Accordingly, the Writ Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]
25.04.2025

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

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