



W.P.No.13674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.07.2025

CORAM

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

W.P.No.13674 of 2024
and
W.M.P. No.14843 of 2024 in W.P.No.13674 of 2024

K.Chandrasekaran

... Petitioner

Vs.

- 1.The Director of Town and Country Planning,
O/o.The Director of Town and Country Planning,
2nd, 3rd and 4th Floors, C & E Market Road,
Koyambedu, Chennai – 600 107.
- 2.The Commissioner,
Avadi City Municipal Corporation,
Avadi, Chennai – 600 054.
- 3.Ambattur Oragadam Co-operative Society
Ltd., (JJ 310) rep. By its President,
Old No.15, New No.31/G2, Jaimaruthi Flats,
Sakti Vinayagar Kovil Street,
Vinayagapuram, Ambattur,
Chennai – 600 053.
- 4.The Special Tahsildar (Nagara Nilavari Thittam),
Avadi Taluk, Pattabiram,
Chennai – 600 054.



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5.Ambathur Swami Vivekananda Nagar
Nala Sangam rep. By its Secretary,
No.7, Mullai Street,
Vivekanandha Nagar,
Ambattur, Chennai – 600 053.

6.The Tahsildar,
Avadi Taluk, Thiruvallur District.

7.The Revenue Inspector,
Avadi Taluk, Thiruvallur District.

.. Respondents

(R6 and R7 suo motu impleaded
vide order dated 02.07.2025 in
W.P.No.13674 of 2024 and
W.M.P.No.14843 of 2024)

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to treat the petitioner's land situated in Plot No.61A, an extent of 5760 sq.ft. comprised in Survey No.457/4, Sub Division S.No.457/4A in approved layout LPH/DTP No 16/65 situated at Vivekananda Nagar, Thirumullaivoyal Village, Ambattur Taluk, Thiruvallur District within the limits of Avadi Municipality and Ambattur Sub Registration Office as a patta land and not as a public road.

For Petitioner : Ms.G.Selvi George

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1, R3, R4, R6 and R7
Ms.R.Kiruba Kanmani
for Mr.R.A.Gopinath,
Standing Counsel for R2
Ms.P.V.Rajeswari for R5



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ORDER

[Order of the Court was made by **HEMANT CHANDANGOUDAR, J.,**]

Plot No. 61A, measuring an extent of 5760 sq. ft., comprised in Survey No. 457/4, Sub-Division S.No. 457/4A, situated at Vivekananda Nagar, Thirumullaivoyal Village, Ambattur Taluk, Thiruvallur District, forming part of an approved layout bearing Reference No. LPH/DTP No. 16/65, (hereinafter referred to as "the said property" for the sake of brevity), is the subject matter of the captioned writ petition.

2. The petitioner claims to have purchased the said property from the third respondent through a registered sale deed dated 30.11.2017, and asserts that he has been in peaceful possession and enjoyment of the said property ever since.

3. The fifth respondent, alleging that the petitioner has encroached upon a public road, filed W.P. No. 414 of 2021 before this Court. A Division Bench of this Court, by order dated 08.02.2021, disposed of the said writ petition with a direction to the official

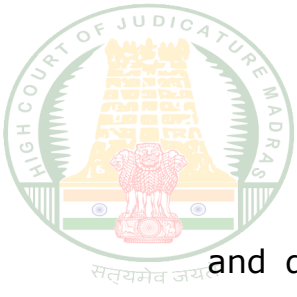


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respondents to consider the representation dated 15.06.2020 submitted by the fifth respondent for removal of the alleged encroachment. However, learned counsels for the parties submit that the fifth respondent had submitted representations dated 15.06.2014 and 16.06.2020, not merely the one dated 15.06.2020.

4. Pursuant to the said order, the second respondent issued notices to the petitioner and respondents 3 and 5, conducted an enquiry, and recorded the submissions/explanations of the parties. The proceedings culminated on 18.03.2022. In the said proceedings, the second respondent called upon the petitioner to produce a true copy of the layout plan approved by the Town and Country Planning Department, within a period of fifteen (15) days, failing which the land in question would be treated as a public road, and action for removal of the alleged encroachment would be taken in accordance with applicable legal provisions.

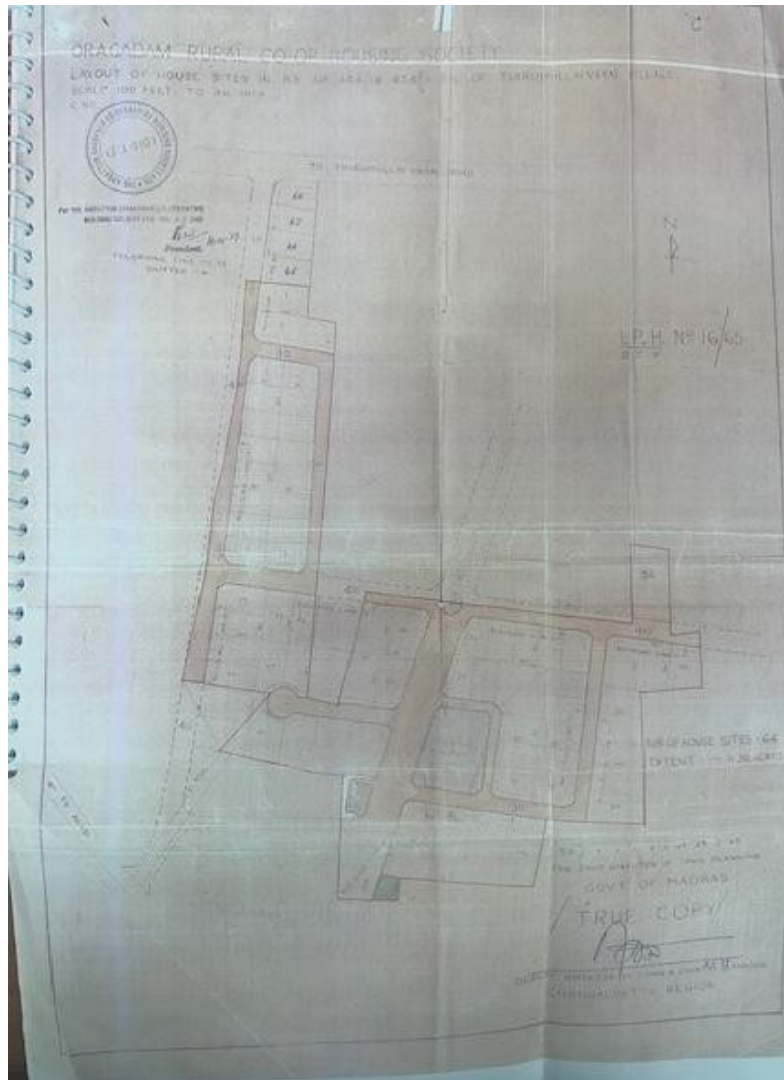
5. At this stage, learned counsel for the petitioner submits that the relief sought in the writ petition is confined only to the request for treating the said property as patta land, as described in the sale deed,



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and does not press the broader prayer originally sought in the writ petition.

6. Mr. T.K. Saravanan, learned Additional Government Pleader, has placed on record the approved layout plan bearing Reference No. LPH/DTP No. 16/65, obtained from the file of the second respondent. Notably, learned counsel for the petitioner as well as learned counsel for the fifth respondent have not raised any objection to the authenticity or accuracy of the approved layout plan so produced by the learned State counsel. A scanned reproduction of the approved layout plan is as follows:



7. A perusal of the approved layout plan bearing Reference No. LPH/DTP No. 16/65 clearly indicates that the said property is demarcated as a plot within the approved layout. However, the core controversy in the present writ petition pertains to whether the



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petitioner has purchased and is in possession of land in excess of the area earmarked in the approved layout.

8. In order to resolve this factual dispute, it is necessary that a comprehensive field survey be undertaken. Accordingly, the following officers are suo motu impleaded as additional respondents to this writ petition to facilitate proper adjudication of the matter:

- (i) The Tahsildar, Avadi Taluk, Thiruvallur District is impleaded as Respondent No.6;
- (ii) The Revenue Inspector, Avadi Taluk, Thiruvallur District is impleaded as Respondent No.7.

The Registry is directed to carry out the necessary and consequential amendments in the case records forthwith.

9. In order to resolve the issue as to whether the petitioner is in possession of land in excess of what is shown in the approved layout, the following directions are issued:

- 9.1 The sixth respondent-Tahsildar, with the assistance of the seventh respondent-Revenue Inspector, shall conduct a field survey of the said property strictly with reference to the



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approved layout plan bearing Reference No. LPH/DTP No. 16/65.

The survey shall be conducted in the presence of the petitioner, the fifth respondent, and all other relevant stakeholders, and shall be completed within a period of six (6) weeks from today, i.e., on or before 13.08.2025.

9.2 Upon completion of the survey, if it is revealed that the petitioner is in possession of any portion of land beyond the area specified in the approved layout plan, the second respondent shall take appropriate action for removal of such encroachment under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999) (hereinafter referred to as "the TNULB Act") or under any other applicable law. Such action shall be taken after affording due notice and opportunity of hearing to all concerned parties, and shall be completed within six (6) weeks from the date of submission of the survey report, i.e., on or before 24.09.2025.

9.3 The petitioner undertakes before this Court that he shall not put up any construction or permanent structure on the said property until the outcome of the survey proceedings is known.

It is also made clear that in the event it is found that the extent



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of land conveyed to the petitioner by the third respondent under the sale deed dated 30.11.2017 exceeds the extent of land shown in the approved layout plan, the petitioner shall be at liberty to seek appropriate relief against the third respondent in accordance with law.

10. In light of the foregoing directions and observations, the captioned writ petition stands disposed of. Consequently, the connected miscellaneous petition also stands closed. There shall be no order as to costs

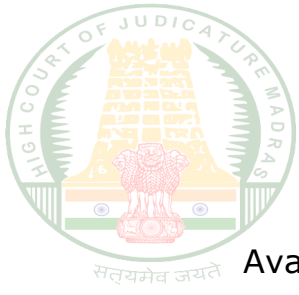
(M.S.,J.) (H.C.,J.)
02.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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O/o.The Director of Town and Country Planning,
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- 3.The President,
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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