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WP.No.15269 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP.No.15269 of 2025

and

WMP.No.17238 of 2025

M.Sathish,
New No.27, Old No.34, Jeenis Road,
Saidapet, Chennai 600015.

Petitioner(s)

Vs

1.The Commissioner,
Greater Chennai Corporation,
Park Town, Chennai 600003.

2.The Assistant Commissioner / Zonal Officer
Greater Chennai Corporation,
Zone X, Area 30, Unit Office,
Ward 142, No.117 Nsk Salai,
Kodambakkam, Chennai 600024.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone X, Area 30, Unit Office,
Ward 142, No.117 Nsk Salai,
Kodambakkam, Chennai 600024.



4.The Assistant Executive Engineer (Square)
Greater Chennai Corporation, Zone X, Area 30,
Unit Office, Ward 142, No.12 Masilamani
Street, T.Nagar, Chennai 600017.

5.The Assistant Engineer
Greater Chennai Corporation, Zone X, Area 30,
Unit Office, Ward 142, No.2/12 West Jones
Road, Saidapet, Chennai 600015.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the second and third respondents not to lay the Storm Water Drain within the boundary of the Petitioner's property bearing Old No.34 New No.27, Jeenis Road, Saidapet, Chennai 600015 and pass such further orders.

For Petitioner(s): Mr.L.Dhamodharan

For Respondent(s): Mr.A.Arunbabu

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second and third respondents not to lay the Storm Water Drain within the boundary of the Petitioner's property bearing Old No.34 New No.27, Jeenis Road, Saidapet, Chennai 600015.



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2. The petitioner is the co-owner of a house property situated at New No. 27, Old No. 34, Jeenis Road, Saidapet, Chennai – 600 015, originally owned by her father Late Mr. S. Munusamy, who acquired it through a registered partition deed dated 09.05.1974. The property, measuring 1349 sq.ft., was developed with necessary permissions and later settled in favour of the petitioner and her brother through a registered Deed of Settlement dated 16.11.2006. Since then, the petitioner has been regularly paying property-related taxes. In 2022, the Corporation of Chennai began Storm Water Drain construction, during which the footstep providing access to the petitioner's house was damaged. Though she rebuilt it, the Corporation again resumed construction in April 2025 and is allegedly attempting to encroach on her private property to lay the drain.

3. Learned counsel for the petitioner contends that while she has no objection to the construction of the Storm Water Drain, it should not be laid within her private property boundaries. She argues that such an act violates her constitutional right under Article 300A, which protects property from unlawful deprivation. He states that no land acquisition proceedings have been initiated,



and no consent or compensation has been provided, rendering the Corporation's actions illegal. Despite sending representations dated 24.03.2025 and 03.04.2025, there has been no resolution, and the construction continues, often at night, raising concerns of illegal intrusion. Hence, this case.

4. Learned counsel appearing for the respondents submits that the representation of the petitioner dated 04.04.2025 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. Without going into the merits of the case, this Court is inclined to pass the following directions:

a) The 2nd and 3rd respondents are directed to consider the representation of the petitioner dated 04.04.2025 after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing, taking into consideration all the relevant



documents submitted by the petitioner in regard to the subject matter

property and pass appropriate orders on merits, in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

b) There shall be an order of interim injunction restraining second and third respondents from construction storm water drain on the petitioner's property bearing Old No.34, New No.27, Jeenis Road, Saidapet, Chennai – 600 015 till the representation of the petitioner dated 04.04.2025 is disposed of. If necessary, the second and third respondents shall take assistance from the local Tahsildar and Surveyor.

7. In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

19.08.2025

dpq/cda

Index : Yes/No

Speaking Order : Yes/No



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- 3.The Executive Engineer,
Greater Chennai Corporation,
Zone X, Area 30, Unit Office,
Ward 142, No.117 Nsk Salai,
Kodambakkam, Chennai 600024.
- 4.The Assistant Executive Engineer
(Square) Greater Chennai Corporation, Zone X,
Area 30, Unit Office, Ward 142,
No.12 Masilamani Street,
T.Nagar, Chennai 600017.
- 5.The Assistant Engineer
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N. MALA, J.

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