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W.P.No.20719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.20719 of 2025

and

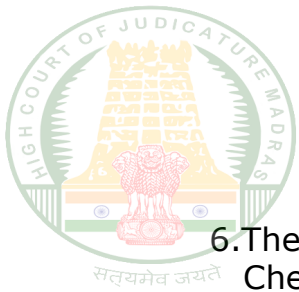
W.M.P. No.23368 of 2025 in W.P.No.20719 of 2025

Ramgopal Khemka

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. By its Revenue Secretary,
Fort St. George, Secretariat, Chennai – 9.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 5.
- 3.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai – 1.
- 4.The District Collector,
Collector Office, IV Floor,
No.62, Rajaji Salai Beach Road,
George Town, Chennai – 1.
- 5.The Deputy Commissioner,
Zone 3, Madhavaram,
No.1, Thattan Kulam Street,
Bazar Road, Madhavaram, Chennai – 60.



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6.The Assistant Engineer,
Chennai Corporation – Madhavaram,
No.178, Madhavaram to Red Hills High Road,
Madhavaram, Chennai – 60.

7.The Tahsildar,
Madhavaram Taluk Office,
5698-W53, Gandhi Main Road,
Balaji Nagar, Puzhal, Chennai – 66.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to restore possession of property at Plot No.71, Hari Gopal Enclave, Puzhal Village, Saidapet Taluk, measuring an extent of 3836 sq.ft. corresponding Patta No.3296 in the light of the survey report 01.09.2022 of the seventh respondent in Na.Ka.No.1800/2022/AA1 forthwith.

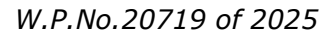
For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1, R2 and R4 to R7
Mr.G.T.Subramanian,
Standing Counsel for R3

ORDER

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

Subject matter of captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is a public park built by Greater Chennai Corporation (GCC).

[illegible]

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4. Issue notice.

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5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1, R2 and R4 to R7 and Mr.G.T.Subramanian, learned standing counsel accepts notice for R3.

6. Mr.G.T.Subramanian, learned standing counsel for GCC on instructions submits that park has no doubt been put up, it will now be examined as to whether it encroaches upon the land of writ petitioner, one Uthamkumar Gupta adverted to in the Tahsildar report or any other person and if that be so, remedial measures either by way of payment of compensation to the persons concerned or in any other manner would be considered and concluded.

7. In the light of the fair submission made by learned standing counsel for GCC, captioned WP stands descoped vastly and in this view of the matter, we take up the captioned main WP with the consent of all learned counsel.

8. This Court finds that the writ petitioner has sent a detailed representation dated 21.10.2023 and a scanned reproduction of the same is as follows:



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REGISTERED POST WITH ACKNOWLEDGEMENT DUE

From

21/10/23 ✓

Ramgopal Khemka
D301, Radiance Mandarin,
200 Feet Radial Road, Thoraipakkam, OMR
Chennai - 600097

To

1. The Tahsildar,
Madhavaram Taluk Office
5698+W53, Gandhi Main Road,
Balaji Nagar, Puzhal, Chennai - 600066.
2. The Assistant Commissioner,
Chennai Corporation - Madhavaram
No 178, Madhavaram Red Hills High Road,
Madhavaram, Chennai - 600060.
3. The Hon'ble District Collector,
Rajaji Salai, Fourth floor,
62, Beach Road, George Town, Chennai - 600001.
4. The Deputy Commissioner,
Zone-3 Madhavaram
No.1, Thattankulam Street,
Bazaar Road, Madhavaram,
Chennai - 600060.
5. The Principal Home Secretary,
Chennai Secretariat, Chennai - 600009

I am the owner of the property situated at survey no.258/37 in puzhal village madhavaram taluk Chennai district in plot no.71 having patta no.3296 having total extent of 3836 square feet. Please refer to the copy of physical patta enclosed herewith.

I state that I have visited the property and was shocked to see that a park which was under the control of third of you was erected in my land.



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I state that immediately I have made an application dated 06/07/2022 to survey the land. I state that the said land was measured by revenue inspector in my presence. I state that the 2nd respondent has provided a report stating that the land an extent of 0.02,25 (225) sq.meter have been encroached and park have been erected.

I state that patta is standing in my name and I am paying taxes for entire extent of land. I state that after receiving the taxes and giving patta in my name, the third of you cannot encroach/acquire my land without following due process of law. I state that the park erected in an extent of 0.02,25 (225) sq.meter have to be removed and the possession of the **entire land of 3836 Square feet** as per my title deed have to be restored to me.

Hence I kindly request all of you to take necessary action on my representation by removing the encroachment and to restore the possession of the above mentioned land to me.

Yours faithfully,

Ram Gopal Khemka

(RAMGOPAL KHEMKA)

Contact: 95000 44933 / mohitkhemka@gmail.com

COPY TO:

1.THE TAHSILDAR MADHAVARAM
New Madhavaram Taluk Office, 5698+W53, Gandhi Main Rd, Balaji Nagar, Puzhal, Chennai,
Tamil Nadu 600066

2.THE ASSISTANT COMMISSIONER CHENNAI CORPORATION MADHAVARAM
Madhavarm Corporation Office, No. 178 Madhavaram Red Hills High Road, Madhavaram,
Chennai - 600060

3.THE CHENNAI COLLECTOR
Rajaji Salai, Fourth Floor, 62 Beach Road, George Town, Chennai - 600001

4. THE DEPUTY COMMISSIONER JUNE 1 MADHAVARAM
No 1, Thattankulam Street, Ram Road, Madhavaram, Chennai, Tamil Nadu 600060

5. The Principal Home Secretary, Chennai Secretariat, Chennai - 600009

9. Though the aforementioned representation has not been addressed to R3, now that R3 is before us and is represented by learned standing counsel, we direct R3 to consider the aforementioned



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representation on its own merits and in accordance with law based on records, give opportunity to writ petitioner, Uthamkumar Gupta and any other similarly placed person and pass a speaking order disposing of the aforementioned representation as expeditiously as the business of R3 would permit but in any event within twelve weeks from today i.e., on or before 04.09.2025. The order so made by R3 shall be duly served on the writ petitioner, Uthamkumar Gupta and any other similarly placed person within seven working days from the date of the order under due acknowledgement.

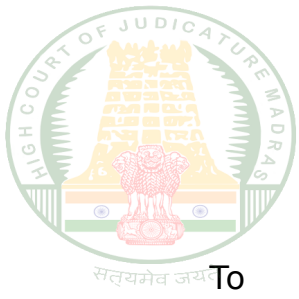
10. Though obvious for the purpose of specificity we clarify that we have not expressed any view or opinion one way or the other on the merits of the matter.

9. Captioned WP is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
12.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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and
HEMANT CHANDANGOUDAR, J.,**
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