



W.P.No.23013 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

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THE HON'BLE MR JUSTICE M. SUNDAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No.23013 of 2022

Venkata Krishnan Subramani
S/o.R.S.Mani

..Petitioner

Vs

1. The Commissioner
Corporation of Chennai
Rippon Buildings, Park Town
Chennai-600 003.
2. The Zonal Officer
Old Zone No.X, New Zone No.XIII
Corporation of Chennai
Kasthurba Nagar
Adyar, Chennai-600 020.
3. The Junior Engineer
Old Division No.153, New Division No.179
Corporation of Chennai
Velachery Main Road
Velachery, Chennai-600 042.



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4. Dr.R.Elangovan
No.1, 1st Main Road
Kamaraj Nagar (West)
Thiruvanmiyur
Chennai-600 041.

... Respondents

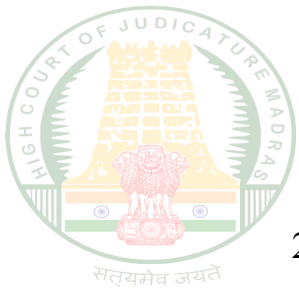
Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the respondents 1 to 3 herein to comply with the notice dated 01.02.2022 so as to remove the encroachment on the 30 feet Bhuvaneshwari Nagar Extension Road, presently known as Greater Chenani Corporation Street, comprised in Survey No.34, Block No.193, mentioned in the Town Survey Land Register, corresponding Old Survey No.317/1A2A2A1A1A1A1A1A, PT, and lay a permanent road thereon, within a time.

For Petitioner:	Mr.R.Ramkumar for Ms.Malini George
For Respondents:	Mr.A.Arun Babu Standing Counsel, for R1 to R3 Mr.K.S.Vaithiyanathan, for R4

ORDER

(Order of the Court was made by M.Sundar J.)

Mr.R.Ramkumar, learned counsel representing Ms.Malini George, counsel on record for writ petitioner, Mr.A.Arun Babu, learned Standing Counsel for official respondents (R1 to R3) and Mr.K.S.Vaithiyanathan, learned counsel for private respondent (R4) are before us.



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2. Learned counsel for writ petitioner submits that a 'communication dated 01.02.2022 bearing reference Ma.A.13.Na.Ka.No.6399/2021 from the Assistant Engineer of GCC to R4' {hereinafter 'said communication' for the sake of brevity, convenience and clarity} is sought to be enforced.

3. In and vide said communication, GCC has alleged that R4 has committed encroachment to an extent of 795 sq.m in S.No.193/34 situate at V.G.P.Selva Nagar, 2nd Main Road, Division 179, Part 39, Zone-13. This S.No.193/34 shall be referred to as 'said land' for the sake of brevity, convenience and clarity.

4. From the submissions made before this Court, it comes to light that there is no disputation or disagreement that R4 and his spouse have filed a civil suit in C.S.No.67 of 2022 arraying State i.e., District Revenue Officer, Revenue officials, GCC and private individuals as defendants. To be noted, the writ petitioner before us is D9 in the said suit. The suit has been filed with prayers for declaration of title, consequential injunction and declaration qua communications issued by the revenue authorities and GCC. One of the limbs of prayer seeks a declaration that said communication which is the fulcrum of the captioned main writ petition is null and void.



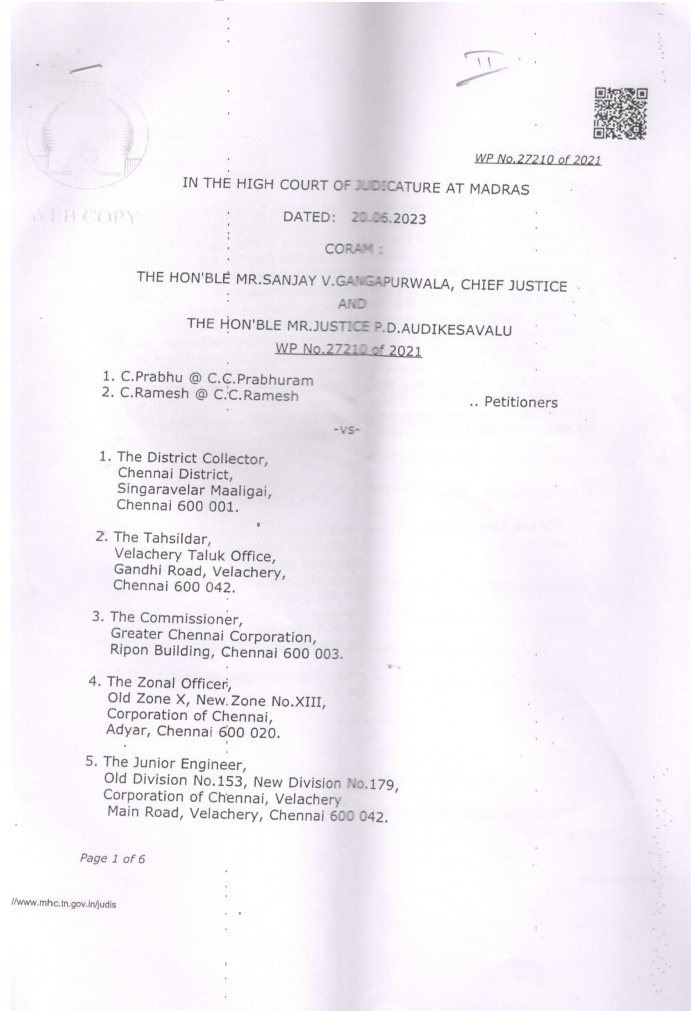
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This suit is in an advanced stage and an interim order granted in a intra-

Court appeal [O.S.A.No.267 of 2022 and C.M.P.No.17194 of 2022 thereat]

is operating.

5.We also find that D7 and D8 in the suit (C.Prabhu and C.Ramesh) have earlier come to this Court vide W.P.No.27210 of 2021 arraying R4 before us as R6 along with other official respondents and this writ petition was disposed of by another Hon'ble Division Bench vide an order dated 20.06.2023 and a scanned reproduction of the same is as follows:





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6. R.Elangovan

.. Respondents

WP No.27210 of 2021

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to call for the records of the 3rd respondent pertaining to the communication in Ref.No.3.O.XIII.C.No./11554/2014 dated 03.03.2016 issued by the District Revenue Officer/ Zonal Office, 13, based on which this Court had passed order in the Contempt Petition filed by the petitioner relating to Town Survey No.34 in Block No.193, Velachery Village, Chennai District, which was originally stands in the name of the 3rd respondent Corporation and direct the respondents 1 to 5 to clear the encroachment on the Corporation Street and lay black top road and maintain the same in Bhuvaneswari Nagar Layout abutting to Plot No.24A and 25A, corresponding Town Survey Nos.38 and 39, abutting the road, comply with genuine request made therein dated 12.12.2020, and acknowledged by the respondents on 16.12.2020, and comply with the request made therein within a specified period to be stipulated by this Court.

For the Petitioner : Mr.V.Ramana Reddy

For the Respondents : Mr.J.Ravindran,
Additional Advocate-General,
Assisted by Mr.A.Selvendiran,
Special Government Pleader,
for RR 1 and 2

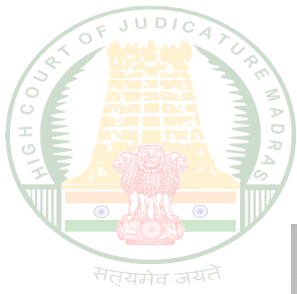
: Mr.A.Arunbabu
for respondents 3 to 5

: Mr.K.Chandrasekaran
for R-6

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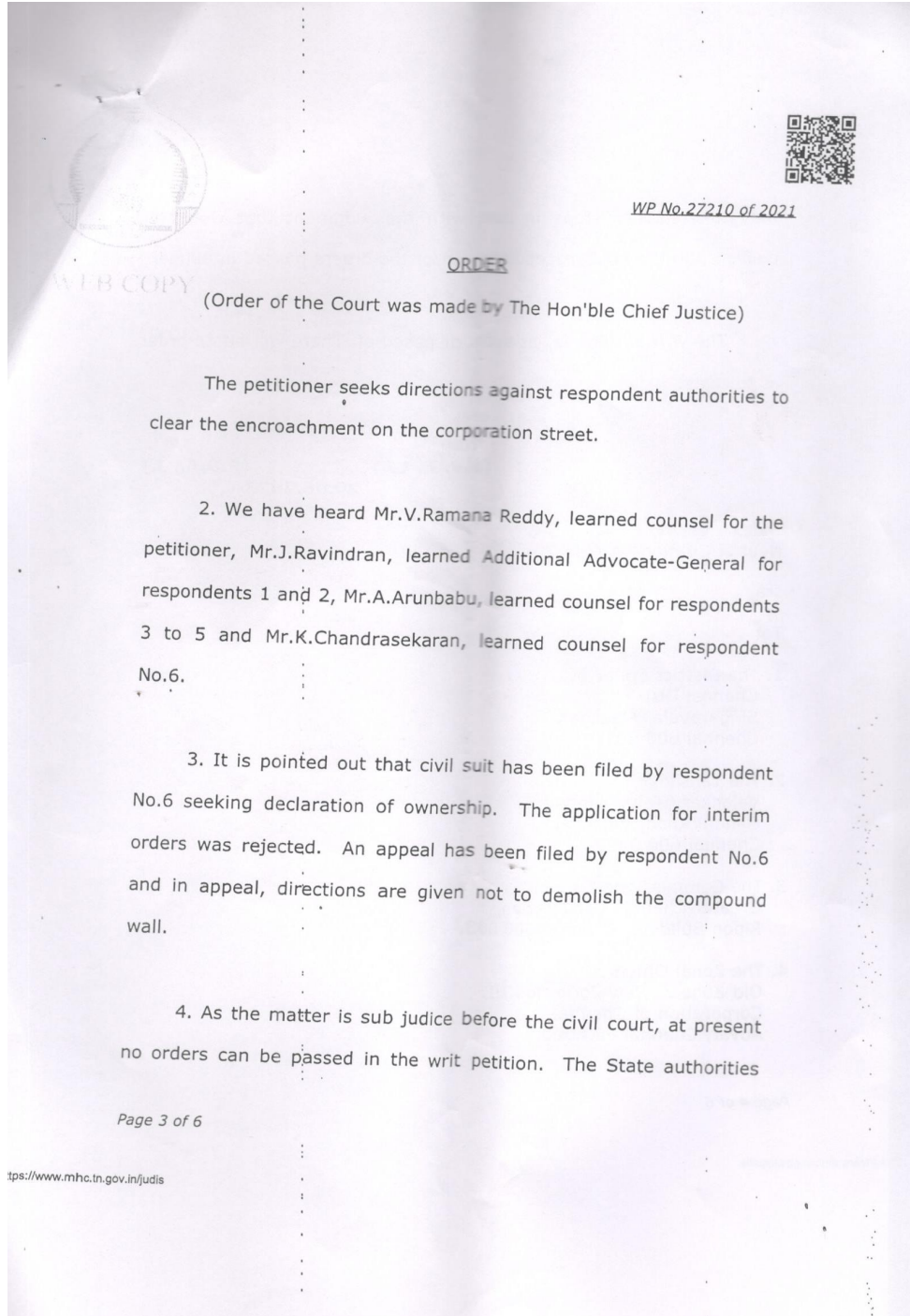
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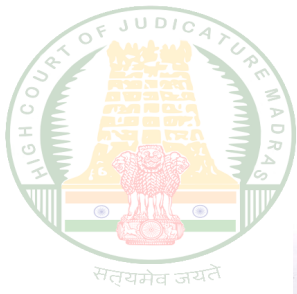


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WP No.27210 of 2021

may take further steps in tune with the judgment that would be delivered in the civil proceedings and/or the orders passed in appeal.

The writ petition is, as such, disposed of. There will be no order as to costs.

(S.V.G., CJ.) (P.D.A., J.)
20.06.2023

Index : yes/no
Neutral Citation : Yes/No

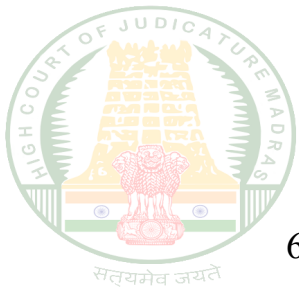
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To:

1. The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai 600 001.
2. The Tahsildar,
Velachery Taluk Office,
Gandhi Road, Velachery,
Chennai 600 042.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
4. The Zonal Officer,
Old Zone X, New Zone No.XIII,
Corporation of Chennai,
Adyar, Chennai 600 020.

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<https://www.mhc.tn.gov.in/judis>



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6. There is unanimity as amongst all learned counsel before us that the parties will now have to stand bound by the decree in the aforementioned suit subject of course to further appeal, if any.

7. In this view of the matter, considering the facts and circumstances of the case and nature of the matter, we are of the considered view that the mandamus prayer qua said communication should yield to the verdict in the suit. This by itself is sufficient to give a closure to the captioned writ petition. Though obvious, we make it clear that we have not expressed any view or opinion one way or the other regarding said communication or any other aspect of the matter as all questions are left open to be decided in the afore-referred suit.

8. We note that the suit is before Hon'ble single Judge. We request Hon'ble single Judge to proceed with the suit on its own merits and in accordance with law untrammelled by this Court.



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Captioned Writ Petition is disposed of as closed in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
28-07-2025

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

mk

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Old Zone No.X, New Zone No.XIII
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**M.SUNDAR, J.
AND
HEMANT CHANDANGOUDAR, J.**

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