



W.P.No.25366 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM

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

W.P.No.25366 of 2025

K.A. Gopinath

Petitioner

vs.

1. The Commissioner
Greater Chennai Corporation
Ripon Buildings
53, Raja Muthiah Road
Periamedu
Chennai 600 003
2. The Zonal Officer
Greater Chennai Corporation Zone – 3
No.1, Thattankulam Street
Bazaar Street
Madhavaram
Chennai
3. The Assistant Engineer
Chennai Greater Corporation Division – 27
Arul Nagar Main Road
Madhavaram
Chennai
4. Sudhakar

Respondents



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Writ Petition filed under Article 226 of the Constitution of India

praying to issue a writ of mandamus directing the first respondent to forthwith remove the encroachment made by the fourth respondent in eastern side of the park situated at S.Nos.17/2A1, 2A2, 2B (T.S.No.1/1, 1/2, 1/3, 1/4, 1/5) situated at Ward A, Block No.33, Madhavaram Village, Madhavaram Taluk, Chennai District, within a stipulated time frame.

For petitioner	Mr. N. Umapathi
For RR 1 to 3	Mr. G.T. Subramanian Standing Counsel
For R4	Notice dispensed with

ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) pertains to 'S.Nos.17/2A1, 2A2, 2B (T.S.No.1/1, 1/2, 1/3, 1/4, 1/5) situated at Ward A, Block No.33, Madhavaram Village, Madhavaram Taluk, Chennai District' (hereinafter 'said lands' for the sake of convenience and clarity).



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2. Mr. N. Umapathi, learned counsel on record for writ petitioner, submits that there is encroachment in said lands, R4 (private respondent) is the alleged encroacher, repeated representations have been made for removal of encroachment, the same have not yielded results and that has necessitated the captioned WP.

3. Issue notice to official respondents (RR 1 to 3).

4. Mr. G.T. Subramanian, learned Standing Counsel, accepts notice for official respondents (RR 1 to 3).

5. Learned Standing counsel, submits, on instructions that pursuant to writ petitioner's representation, stop work notice has been issued by Greater Chennai Corporation and survey of said lands will be completed within six weeks from today *i.e.*, on or before 25.08.2025.



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6. Learned State counsel also submits that a survey report will be drawn up and in the survey report, if any encroachment is found, alleged encroacher, be it private respondent (R4) or any other person/entity will be put on notice *i.e.*, show caused *vide* Section 128 of the amended Tamil Nadu Urban Local Bodies Act, 2022 (hereinafter 'The TNULB Act' for the sake of brevity).

7. This means that private respondent (R4) and/or any other encroacher(s) will have a say and they will be given an opportunity to put forth their version. In this view of the matter, we make it clear that we are not passing an order which is touching upon the rights of private respondent in any manner and on the contrary, we are preserving all the rights and contentions of private respondent. Therefore, we dispense with notice to private respondent.

8. In the light of the aforesaid scenario, with the consent of learned counsel on either side, captioned WP is taken up for hearing in the Admission Board, *i.e.*, Motion List.



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9. The following order is made:

- i. Survey *qua* said lands, after putting all concerned on notice, R4 in particular, will be concluded as expeditiously as the official business of R1 would permit but in any event within a period of six weeks from today *i.e.*, on or before 25.08.2025;
- ii. In the survey report, if any encroachment *qua* said lands is noticed, be it by private respondent or any other person/entity, they will be put on notice *inter alia vide* Section 128 of the TNULB Act which, in effect, means that the alleged encroacher would be given an opportunity and action, if any, under the TNULB Act would be commenced within six weeks therefrom *i.e.*, on or before 06.10.2025;
- iii. Though obvious, as alluded to *supra*, we make it clear that we preserve all the rights and contentions of the private respondent and/or any other noticee *qua* the TNULB Act, if that be so; and



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iv. Though equally obvious, we further make it clear that we have not expressed any view or opinion one way or the other regarding alleged encroachment *qua* said lands.

10. Captioned WP stands disposed of in the aforesaid manner.

There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
14.07.2025

cad



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To

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