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WP No. 26616 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P. No. 26616 of 2025
and W.M.P.No.29922 of 2025**

E.Kanthasami

S/o. Mr.S.A. Esakkimuthu, B2, Vijay
Madhumathi Apartments, No.
13/6, Taylors Road, Kilpauk,
Chennai -600 116.

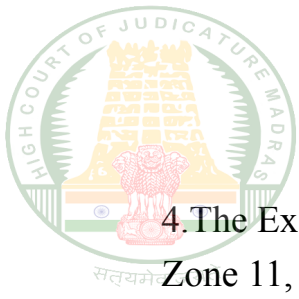
Petitioner(s)

Vs

1. The Commissioner,
Greater Chennai Corporation, Rippon
Buildings, Chennai -600003.

2.The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu-Natarajan Maaligai,
No. 1, Gandhi Irwin Road, Egmore,
Chennai-600 008.

3.The Chief Engineer,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu-Natarajan Maaligai,
No. 1, Gandhi Irwin Road, Egmore,
Chennai-600 008.



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4.The Executive Engineer,
Zone 11, Greater Chennai Corporation,
Valsarawakkam, Chennai.

5.Rajini,
W/o.Mr.Kannappan, No. 6/22, Roja
Street, Ambal Nagar, Porur,
Chennai -600 116.

6.Harimadhavaraj,
S/o. Mr.Kannappan, No. 6/22, Roja
Street, Ambal Nagar, Porur,
Chennai -600 116.

7.Vaideeshsubbaraj,
S/o. Mr.Kannappan, No. 6/22, Roja
Street, Ambal Nagar, Porur,
Chennai -600 116.

Respondent(s)

PRAYER

The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 to 4 to take appropriate against the unauthorized construction of compound wall against respondent Nos. 5 to 7 at Plot No. 31, Ramakrishna Nagar, Second Avenue, Porur, Chennai-600116, by considering the Petitioner's representation dated 05.07.2025

For Petitioner(s): Mr. C.Umashankar

For Respondent(s): Mr. D.B.R.Prabhu
Standing Counsel For R1 and R4
Mr. Akhil Akbar Ali
Standing Counsel for For R2 and R3

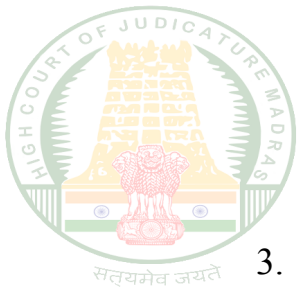


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ORDER**(Order of the Court was made by J.NISHA BANU, J.)**

The present Writ Petition is filed for issuance of a Writ of Mandamus directing respondent Nos.1 to 4 to consider the petitioner's representation dated 05.07.2025.

2. It is the case of the petitioner that the petitioner is the absolute owner of the property at Plot No.30, Ramakrishna Nagar, Second Avenue, Porur, Chennai -600 106. After obtaining approval of the building plan, he commenced construction in the year 2013 and constructed a building to an extent of 1890 sq.ft. On the eastern side of his property, Plot Nos.31 and 32 are situated. Plot No.31 was purchased by one S.Kannappan to an extent of 2360 sq.ft., who subsequently passed away and his legal heirs are arrayed as respondent Nos. 5 to 7 herein. When the petitioner attempted to construct a compound wall around his property, respondent Nos.5 to 7 have objected to the same. Recently, respondent Nos.5 to 7 commenced construction of a compound wall around their property and upon verifying the length of the same, it was noticed that respondent Nos.5 to 7 have encroached upon the petitioner's property to an extent of 5 to 6 feet on their western side.



3. It is the further case of the petitioner that he lodged a complaint on 08.06.2025 to the Sub-Inspector of Police, SRMC Police Station, and the same was registered as C.S.R.No.639 of 2025. The petitioner also sought a survey of his property and that of private respondents' property and the officials of the Survey Department visited the property and surveyed the land, however the report is yet to be given. In these circumstances, the petitioner also submitted a detailed representation to respondent Nos.3 and 4 bringing to their attention the unauthorized construction, however till date, no action has been taken by the official respondents. Hence, the present Writ Petition is filed.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing on either side, this Court, without going into the merits of the matter, directs the respondent Nos.1 to 4 to consider and pass orders on the representation of the petitioner dated 05.07.2025 on merits and in accordance with law, after affording reasonable opportunity to the petitioner as well as respondent Nos.5 to 7, within a period of eight (8) weeks from the date of receipt of a copy of this order.



6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)

22-07-2025

ASI

To

1.The Commissioner,
Greater Chennai Corporation, Rippon
Buildings, Chennai -600003.

2.The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu-Natarajan Maaligai,
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