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WP No. 30651 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 30651 of 2025 & WMP.No.34348/2025

1. S.Padmavathy
No 7, Plot No 50 Kasilingam Street,
Iyyappa Nagar, Ayapakkam Chennai
600 077

Petitioner(s)

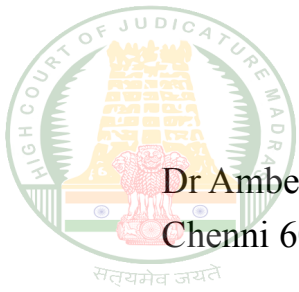
Vs

1. The District Collector
Chennai District, Singaravelr Maligai,
Rajaji Street, Chennai 600 001

2.The Tahsildhar
Thiruvottiyur Tlauk Thiruvaottiyur
Chennai 600 019

3.The Commissioner
Greater Chennai Corprotion Chennai
600 003

4.The Zonal Officer
Zone No 2 Greater Chennai Corprotion
No 112, Opp To Manali High School,



Dr Ambedkar Street, Manalai,
Chennai 600 068

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5. The Assistant Executive Engineer
Ward No 17, Zone 2 Greater Chennai
Corporation Manali, Chennai 600 068

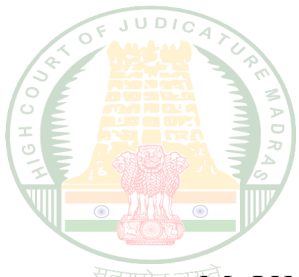
Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents their men and people, agents, subordinates or any other person claiming through them from in any manner digging the petitioners property bearing Plot Nos 86 and 87, Subam Nagar, Theeyambakkam, Chennai 600 060 measuring to an extent of 1920 sq.ft and 2128 sq.ft respectively in all totally 4048 sq.ft all comprised in old survey Nos 37/3 and 137/4 as per patta survey No 137/3B, and 137/3B Ariyalur Village Thiruvottiyur Taluk, Chennai district forming storm rain water canal or continuing the formation of rain water canal.

For Petitioner(s): S.Umpathy
A.P.Soundarajan
V. Manoharan

For Respondent(s): Mr.V.Manoharan Agp For R1
And R2
Mr.G.T.Subramanian Standing
counsel For R3 To R5



ORDER

(1) Mr.V.Manoharan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2. Mr.G.T.Subramanian, learned Standing counsel accepts notice on behalf of the respondents 3 to 5. With the consent of both the learned counsels, the main writ petition itself is taken up for final disposal at the admission stage.

(2) The writ petition is filed for a mandamus forbearing the respondents from in any manner, digging the petitioners property bearing Plot Nos 86 and 87, Subam Nagar, measuring to an extent of 1920 sq.ft and 2128 sq.ft respectively, in all totally 4048 sq.ft, forming storm rain water canal or continuing the formation of rain water canal.

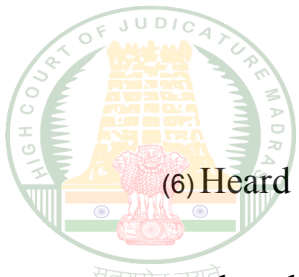
(3) The petitioner states that the respondents 3 to 5 engaged a private contractor for construction of Storm Water Drain Canal. The petitioner further states that through the contractor, the work was commenced in front of the petitioner's and his neighbours' plots. The petitioner states that the petitioner and his neighbours, objected to the digging of the petitioner's plots and others' plots and despite the same, the respondents did not direct the contractor to



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stop the work. The petitioner further states that if the work is allowed to continue and the Storm Water Drain canal is constructed by encroaching into the petitioner's lands, the petitioner would be put to great hardship and inconvenience. The petitioner states that she approached the authorities in person to stop the work and as no action was taken, the petitioner submitted a letter to the 4th respondent on 22.07.2025 and sent a Lawyer's notice on 28.07.2025. The petitioner further states that as the respondents continued the construction of storm water drain canal, the petitioner was constrained to file the above writ petition for the aforesaid relief.

- (4) Learned Standing counsel appearing for the Greater Chennai Corporation, on instructions, submitted that the work commenced only after conducting a survey and as the canal was constructed in the land classified as "Vaaikkal", the objection of the petitioner deserved no merit.
- (5) Learned counsel for the petitioner, on the other hand, submitted that no such survey was conducted in the presence of the petitioner and that the petitioner had no knowledge of any such survey.



(6) Heard the learned counsels on either side and also perused the materials placed on record.

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(7) The facts remain undisputed and therefore, in order to avoid prolixity, they are not traversed in detail. It is evident that a survey was conducted prior to the commencement of the construction of the storm water drain canal. However, such survey was conducted without notice to the petitioner and the interested persons. Hence, this Court is of the view that the respondents are required to conduct a fresh survey in the presence of the petitioner as well as interested persons before proceeding further with the construction of the storm water drain.

(8) In the facts and circumstances of the case, this Court directs the 2nd respondent to conduct a survey strictly in accordance with the procedure prescribed in the Surveys and Boundaries Act, 1923, within a period of two weeks from the date of receipt of a copy of this order. It is clarified that in the event the survey report establishes that the land in question is a 'Vaikkal' land and not the petitioner's property, the respondent shall be at liberty to proceed with the construction of the storm water canal without obstruction.



However, if the survey report is otherwise, the respondent shall refrain from proceeding further.

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(9) The writ petition is disposed of with the above directions. No costs

Consequently, connected miscellaneous petition is closed.

22-08-2025

AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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N.MALA J.

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