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WP No. 30656 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 30656 of 2025 & WMP.No.34351/2025

T. Asha

No 18-b Thirunavukkarasu Street

George Colony Sembium, Chenani 600

0111

Petitioner(s)

Vs

The District Collector

Chennai District, Singaravelr Maligai,

Rajaji Street, Chennai 600 001 AND 4

OTHERS

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 88, Subam Nagar, Theeyambakkam, chenani 600 060 measuring to an extent of 2255 sq.ft, comprised in old survey Nos 137/3A1A1A as per patta survey No 137/7,



Ariyalur Village, Thiruvottiyur Taluk, Chennai District forming storm rain water canal or continuing the formation of rain water canal.

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For Petitioner(s): Mr.S.Umpathy

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 88, Subam Nagar, Theeyambakkam, chenani 600 060 measuring to an extent of 2255 sq.ft, comprised in old survey Nos 137/3A1A1A as per patta survey No 137/7, Ariyalur Village, Thiruvottiyur Taluk, Chennai District forming storm rain water canal or continuing the formation of rain water canal.



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(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 has 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 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 deserve no merit.

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(5) Learned counsel for the petitioner, on the other hand, submitted that no such survey was conducted in the presence of the petitioner and the petitioner was not aware of any such survey.

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

(7) The facts are undisputed and therefore, to avoid prolixity, they are not traversed. A survey has been conducted before 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. Therefore, the respondents should conduct a fresh survey in the presence of the petitioner and the interested persons before continuing with the construction of the storm water drain.

(8) Under the facts and circumstances of the case, this Court is inclined to direct the 2nd respondent to conduct the survey by following the procedure contemplated in the Surveys and Boundaries Act, 1923, within a period of



two weeks from the date of receipt of a copy of this order. Subject to the

result of the survey and the survey report, the respondents can continue with

the construction of the storm water drain canal.

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

Consequently, connected miscellaneous petition is closed.

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AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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1. The District Collector

Chennai District, Singaravelu Maligai,
Rajaji Street, Chennai 600 001

2. The Tahsildhar

Thiruvottiyur Taluk Thiruvattiyur
Chennai 600 019

3. The Commissioner

Greater Chennai Corporation Chennai
600 003

4. The Zonal Officer

Zone No 2 Greater Chennai Corporation
No 112, Opp To Manali High School,
Dr Ambedkar Street, Manalai,
Chennai 600 068

5. The Assistant Executive Engineer

Ward No 17, Zone 2 Greater Chennai
Corporation Manali, Chennai 600 068



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N.MALA J.

AP

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