



WEB COPY



WP No. 34757 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 34757 of 2025 AND

WMP Nos.38930, 38931 and 38934 OF 2025

1.V.Sathasivam

S/o Vaithiyalingam No 1 Balaji Nagar, 10th
Street, Adambakkam, Chennai 600 088

2.S. Bharathi

W/o Sadasivam, No 1 Balaji Nagar, 10th Street,
Adambakkam, Chennai 600 088

..Petitioners

Vs

1. The Commissioner

Greater Chennai Corporation Rippon Buildings,
Chennai 600 001

2. The Regional Deputy Commissioner

Greater Chennai Corporation No 114
Dr.Muthulakshmi Salai Adayar, Chennai 600 020

3.The Revenue Divisional Officer

South Chennai Division Guindy Chennai 600 032

4.The Assistant Director (land Survey)

Office Of The District Collector Chennai District,
Chennai 600 001



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5.The Zonal Officer

Xii Zone Greater Chennai Corporation
Street Alandur, Chennai 600 016

6.The Tahsildar

Alandur Taluk Aladndur, Chennai 600 016

7.T. Devadasan

S/o N. Thoms Senthil Andavar Street,
Thiruvalluvar Nagar Adambakkam
Chennai 600 088

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of 6th respondent in his proceedings Na.Ka. No A1/ 010 / 2025 dated 04.07.2025 and quash the same and consequently directing the respondents to conduct survey of the property bearing Town survey Nos 240 and 242 situated at No 1 10th street Ward No. F, block No 18, Balaji Nagar, Adambakkam, Chennai 600 088 in accordance with CMDA approved lay out plan dated 16.05.1983 in the presence of advocate commissioner appointed by this honble Court.

For Petitioners : Mr.J.Selvarajan

For Respondents : Mr.S.Vanitha Joice Rani
Standing Counsel - for RR 1, 2 and 5
Mr.S.Arumugam
Government Advocate - for RR 3, 4 and 6



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ORDER

(Order of the Court was made by R.Suresh Kumar J.)

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In respect of the property situated at S.No.240/611, T.S.No.242/2/1A there has been a dispute with regard to 135.5 Sq.ft which was claimed to be Patta land of the petitioners, whereas after survey the Revenue Tahsildar has passed the order dated 04.07.2025 which is impugned herein that the 135.5 Sq.ft is an encroachment made by the petitioners.

2. In this context, it is to be noted that the earlier order passed in this regard dated 28.03.2025 was under challenge before this Court in W.P.No.24369 of 2025, which was disposed of on 09.07.2025 by the predecessor Bench, wherein one of us **(Hemant Chandangoudar, J.)** was a party. The said Division Bench passed an order giving the following directions.

" 9. In the light of the foregoing discussion, the impugned notice dated 28.03.2025 issued by the third respondent is set aside, and the Chennai Corporation is directed to commence proceedings afresh in accordance with Section 128 of the TNULB Act, within a period of four weeks from today ie., on or before 06.08.2025. It is made clear that it is open to the petitioners to file objections, if any, in relation to the survey conducted on 04.07.2025. It is further clarified that all rights



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and contentions of both the petitioners and the fourth respondent are preserved in the proceedings to be initiated as directed above. The 4th respondent is preserved with the right to make representation to the Chennai Corporation to the notice to be issued under Section 128(1) of the TNULB Act."

3. Pursuant to the said direction, no proceedings have been initiated by the respondent Corporation under Section 128 of the Tamil Nadu Urban Local Bodies Act and only pursuant to the order dated 04.07.2025 passed by the Tahsildar, the petitioner has given a petition by way of a representation dated 21.07.2025, which is kept pending and not been disposed of so far. Only at this juncture, challenging the order dated 04.07.2025 passed by the Tahsildar, the present writ petition has been filed.

4. We have heard Mr.J.Selvarajan, learned counsel for the petitioner, Ms.S.Vanitha Joice Rani, learned Standing Counsel for the respondents 1, 2 and 5 and Mr.S.Arumugam, learned Government Advocate for the respondents 3, 4 and 6.

5. As already directed by the Division Bench in its order dated 09.07.2025, now the initiation has to be made under Section 128 of the Tamil



Nadu Urban Local Bodies Act, which action has so far not been made by the respondent Corporation.

6. If at all the land is claimed to be the land belongs to the Chennai Corporation, the jurisdiction vests only with the Corporation and not with the revenue authorities. Therefore, we deem it appropriate to dispose of this writ petition with the following orders.

- (a) The direction already given in Para 9 of the order dated 09.07.2025 is hereby reiterated and the time period given is extended to comply with the said direction under Section 128 of the Tamil Nadu Urban Local Bodies Act for a further period of four weeks from the date of receipt of a copy of this order.
- (b) Once such proceedings is initiated and show cause notice is issued by the Chennai Corporation, it is open to the writ petitioners to give reply to the same thereafter within two weeks from the date of such notice. Based on the reply, decision can be made by the Chennai Corporation.
- (c) Till such time, the order impugned in the present writ petition dated 04.07.2025 shall not be given effect to and shall be kept in abeyance.



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7. With the above directions, the writ petition is disposed of. No costs.

W.M.P.Nos.38930 and 38931 of 2025 is ordered. W.M.P.No.38934 of 2025 is closed.

(R.S.K.,J.) (H.C.,J.)
26-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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**R.SURESH KUMAR J.
AND
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