



W.P.No.30042 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.30042 of 2023

and

W.M.P.Nos.40654 and 30926 of 2023

B.V.Suresh Kumar
S/o.Late B.K. Viswanathan

... Petitioner

VS.

1. The Thasildhar
Purasawalkam Taluk
Purasawalkam
Chennai-600 003.
2. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai-600 003.
3. The District Collector
Chennai District
Rajaji Salai, Fourth Floor
62, Beach Road
George Town, Chennai-600 001.

... Respondents

**R2 & R3 suo-motu impleaded vide order dated 01.07.2025
in W.P.No.30042 of 2023**



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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the present respondent to remove the encroachments made to an extent of 448 1/2 sq.ft in Survey No.2323 at Corporation Play Grounds at Asirvadhapuram by way of erecting compound wall so as to restore the playground in its original position by removing the compound wall constructed upon the corporation playground.

For Petitioner : Mr.R.Sathyamurthy

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 & R3
Mr.G.T.Subramanian
Standing Counsel for R2

ORDER

[Order of the Court was made by **M.SUNDAR J.**]

Subject matter of captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} is 'S.No.2323 in Ward No.001, V.O.C.Nagar Town, Pursawalkam Taluk, Chennai' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.

2. Mr.R.Sathyamurthy, learned counsel on record for writ petitioner contends that said land is being used as a road for public purpose and it



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vests in 'Greater Chennai Corporation' {hereinafter 'GCC' for the sake of brevity, convenience and clarity} but GCC itself has put up a compound wall causing obstruction and narrowing the road.

3. Writ petitioner came to this Court earlier by way of W.P.No.6295 of 2021 *inter alia* assailing 'proceedings of jurisdictional Tahsildar dated 17.02.2021 bearing reference Na.Ka.No.A1/072/2021' {hereinafter 'said order' for the sake of brevity, convenience and clarity}. This proceedings are not before us but order dated 12.03.2021 by which W.P.No.6295 of 2021 was disposed of along with WMP No.6915 of 2021 by another Hon'ble Division Bench is before us and from a perusal of the order, it comes to light that the jurisdictional Tahsildar has concluded after survey and inspection that on account of the compound wall around Ashirvadhapuram playground, no encroachment has been caused. In and by this order dated 12.03.2021, another Hon'ble Division Bench dismissed the writ petition but granted liberty to the writ petitioner to approach GCC and seek clarification in the light of survey and measurements done. Post the order, writ petitioner sent a communication dated 15.11.2021, alleging that clarification had not been given, a contempt petition being Contempt Petition No.1218 of 2023



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has been filed and the same came to be disposed of in and by an order dated 08.08.2023 wherein and whereby though the contempt petition was closed, the writ petitioner was given liberty to work out his remedies in a manner known to law. In the light of such liberty, the writ petitioner, after sending a notice dated 08.09.2023 *inter alia* seeking removal of compound wall area qua Asirvadhapuram playground to an extent of 448 1/2 sq.ft or thereabouts, has filed the captioned WP with a removal of encroachment prayer. In the captioned WP, jurisdictional Tahsildar alone has been arrayed as lone respondent.

4. Captioned WMP No.30926 of 2023 is filed to implead the Commissioner, Greater Chennai Corporation as second respondent in the captioned WP. Captioned WMP is not opposed and the Commissioner, Greater Chennai Corporation, Rippon Building, Chennai-600 003 is added as R2 in the captioned WP. In the light of the order we propose to make, we also suo-motu implead the District Collector, Chennai District, Rajaji Salai, Fourth Floor, No.62, Beach Road, George Town, Chennai-600 001 as R3 in the captioned WP. Registry to carry out necessary and consequential amendments in the case file.



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5. Learned counsel for the writ petitioner, adverting to afore-referred order dated 08.08.2023 in Cont P.No.1218 of 2023 submits that a report of the Sub-Inspector of Survey, Purasalakkam Taluk, Chennai-600 003 has been extracted and reproduced in the order and this survey report says that there is encroachment qua said land by building a compound wall but subsequently, respondents have come up with a report of the jurisdictional Tahsildar (R1) dated 12.03.2024 which says that there is no encroachment. Learned counsel points out that the two reports are at complete variance with each other.

6. Therefore, we deem it appropriate to direct a fresh survey by R1 under the supervision of R3 and a report is to be drawn up by R3 as to whether there is encroachment or not as alleged. The writ petitioner shall be favoured with a copy of the report of R3 under due acknowledgement within seven working days from the date on which the report of R3 is drawn up.

7. Aforesaid survey by R1 under the supervision of R3 shall be done after putting on notice writ petitioner and writ petitioner will be permitted to be present during the survey. Aforesaid exercise shall be completed as



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expeditiously as the official business of R1 and R3 permits but in any event within twelve weeks from today i.e., on or before 23.09.2025. If the report to be drawn up in the afore-referred manner returns a finding that there is encroachment qua said land, action under appropriate / applicable Statute shall be commenced by the respondents concerned within a fortnight therefrom i.e., on or before 07.10.2025.

Captioned WP disposed of in the aforesaid manner. Captioned WMP No.30926 of 2023 has been ordered as already alluded supra. Captioned W.M.P.No.40654 of 2024 is disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

01.07.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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