



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 32477 of 2024

AND

WMP NO. 35272 OF 2024, WMP NO. 35271 OF 2024

1. S.Ramesh

S/o Subramani, Residing At No. 4/3,
Kamatchi Street, Lakshmi Amman
Nagar, Erukkencherry, Chennai 600 118

2.S.Anand

S/o Subramani, Residing At No. 4/3,
Kamatchi Street, Lakshmi Amman
Nagar, Erukkencherry, Chennai 600 118

Petitioner(s)

Vs

1. The Commissioner

The Greater Chennai Corporation, No
1131, Ripon Building, Evr Periyar
Salai, Park Town, Chennai 600 003

2.The Executive Engineer

Ranga Garden, Vadaperumbakkam,
Chennai 600 052



3. The Assistant Engineer
Divisional 17, Puzhal Union Road,
Redhills Gnayiru Road, Junction,
Vadaperumbakkam, Chennai 600 060

4. The Zonal Officer, Corporation
Zone 2, No. 127, Padasalai Street,
Manali, Chennai 600 068

Respondent(s)

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PRAYER

Forbearing the respondents from laying the storm water drainage in the writ petition schedule property with the further direction to the respondents to close the deep and large bit dug by them and pass

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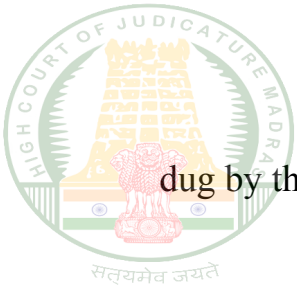
For Petitioner(s): M/s.P.Satheesh Kumar

For Respondent(s): Mr. G.T. Subramanian SC For R1
To R4

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ of mandamus has been instituted to forbear the respondents from laying a storm water drainage system on the schedule property mentioned in the writ petition and to further direct the respondents to close the deep and large pit



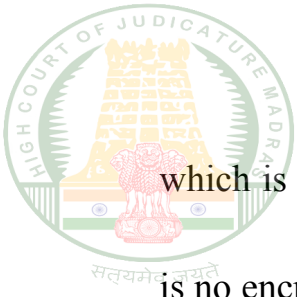
dug by them.

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2. The petitioners state that they are the joint owners of the business premises, in the name of style of “Sri Vinayaga Enterprises”. The petitioners purchased land to an extent of 2756 Sq.ft comprised in S.No.99/2C, Vadaperumbakkam Village and other two properties are also purchased totally 11,242.5 Sq.ft.

3. The learned counsel for the petitioners would submit that the respondents are encroaching upon the private lands for the construction of storm water drainage system. The area opposite to the road has been encroached by some influential individuals, and instead of taking action to evict them, the Corporation has encroached upon the petitioners patta land for the construction of storm water drainage system.

4. The learned Standing Counsel appearing on behalf of the Chennai Corporation would oppose by stating that the area in question is a road margin,



which is utilised for the construction of storm water drainage system, and there is no encroachment of private lands. The Corporation submitted a photograph to

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establish that they are constructing storm water drainage system within the road margin and the petitioners have encroached upon the road margin, and that is reason why the present writ petition came to be instituted.

5. Disputed issues relating to title cannot be adjudicated in a writ proceeding. The petitioners claim that they are owners of the property, wherein the Corporation is constructing storm water drainage system.

6. The learned counsel for the petitioners state that the sale deed has been produced in the typeset and the petitioners have made a statement in the affidavit. However, mere production of sale deed or filing an affidavit in a writ proceedings is insufficient to adjudicate title dispute relating to property.

7. Title disputes are to be resolved by conducting a trial before the Competent Civil Court of Law. The High Court cannot conduct a roving inquiry



nor verify the correctness and genuinity of the documents produced in a writ proceeding, as the the documents are photocopies. More so, such disputes are to be adjudicated in the manner contemplated under law.

8. Conversion of civil dispute or a dispute relating to title and securing a relief in a writ jurisdiction under Article 226 of the Constitution of India is impermissible and such writ petitions are not entertainable. Therefore, the petitioners are at liberty to approach the Competent Civil Court for the purpose of establishing their title.

9. With this liberty, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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