



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

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CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

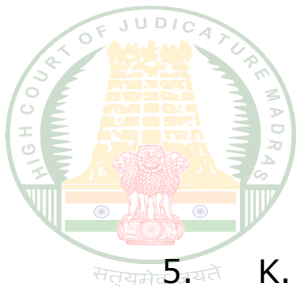
W.P. No.34495 of 2025 and W.M.P. No.38653 of 2025

M. Vedamurthy

Petitioner

vs.

1. The Government of Tamil Nadu
represented by its Secretary
Housing & Urban Development Department
Fort St. George
Chennai - 600 009
2. The Chairman or Managing Director
Tamil Nadu Housing Board
Tamil Nadu Housing Board Complex
Nandanam
Chennai - 600 035
3. The Secretary and Administrative Officer
Tamil Nadu Housing Board
Anna Nagar Division
I Floor, Tamil Nadu Housing Board
Commercial Complex
Thirumangalam
Chennai - 600 040
4. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008



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5. K. Sakthivel, B.Com.
Manager - Marketing & Service
Anna Nagar Division
Tamil Nadu Housing Board
Thirumangalam
Chennai 600 101
6. J. Lin Constructions
represented by its Proprietor D.I. Peter Jebasingh
No.64, Perambur Barracks Road
Purasaiwakkam
Chennai 600 007
7. The Tahsildar
Ambattur Taluk
Chennai - 600 053

Respondents

(R7 *suo motu* impleaded *vide* instant order)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 3,5 and 6 not to proceed with the proposed compound wall construction in the Padikuppam public road in Survey No.251/1, T.S.No.50, Block No.70, Ward No.1, Padikuppam Village, Padikuppam Main Road, Thirumangalam, Ambattur Taluk, Chennai District 600 040.

For petitioner	Ms. Sudharshana Sunder for Mr. B. Ravi Raja
For RR 1,4 & 7	Mr. T.K. Saravanan Additional Government Pleader
For RR 2,3 & 5	Mr. T. Pradeep Raja for Mr. D. Veerasekaran

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**ORDER**

(made by M. SUNDAR, J.)

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Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer seeking issue of a writ of mandamus *qua* Tamil Nadu Housing Board (TNHB) by restraining TNHB from proceeding with proposed compound wall construction in Padikuppam Main Road in Thirumangalam, Ambattur Taluk, Chennai District 600 040.

2. To be noted, though the prayer talks about mandamus to respondents 3,5 and 6, we have captured the prayer in the aforesaid manner for ease of reference.

3. Ms. Sudharshana Sunder, learned counsel representing Mr.B.Ravi Raja, learned counsel on record for writ petitioner, is before us.

4. Factual matrix in a nutshell is that the writ petitioner obtained approval from Chennai Metropolitan Development Authority (CMDA) *vide* letter no.CMDA/PP/NHRB/N/0734/2023 dated 26.08.2024 for construction of 21 apartments in land admeasuring 9,280 sq. ft. (80 * 1,160) or thereabouts in Padikuppam Main Road; that the construction is underway; that on the western side of the site that is being developed by writ



petitioner, i.e., on the other side of the road, TNHB is coming up with a construction of 80 High Income Group (HIG) flats, which was approved by the Government vide G.O. Ms.No.125, Housing and Urban Development Department dated 12.11.2021; that according to TNHB, it has provided an additional width of 1.80 metres for the usage of general public in order to meet 9.10 metres width of the road; that TNHB acquired 1.70 acres of land in Survey No.251/1, T.S. No.50, Block No.70, Ward-I in Padi Village, Ambattur Taluk; that construction is only in 1.55 acres of land after providing for 1.80 metres width of the road; that the writ petitioner contends that the compound wall which the TNHB is putting up is reducing the width of the road i.e., shrinking the width of the road, which, according to writ petitioner, is 41 ft.; that it is writ petitioner's case that it is being shrunk to 29 ft.

5. Issue notice to official respondents (respondents 1 to 5).

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 and 4 and Mr. T. Pradeep Raja, learned counsel representing Mr. D. Veerasekaran, learned Standing Counsel, accepts notice for respondents 2,3 and 5.



7. Learned State counsel submitted that one J. Prabakaran filed a writ petition in the form of a public interest litigation (PIL) seeking to mandamus TNHB to survey the road before proceeding with construction and this PIL came to be disposed of by another Hon'ble Division Bench *vide* order dated 29.08.2025, wherein, the statement of the learned State counsel that survey had been done, had been recorded.

8. On a careful perusal of the 29.08.2025 order, we find that the other Division Bench has made it clear that survey report documents have not been shared and there is no necessity of doing so, as it is a PIL. In any event, the PIL pertains to S.No.251 and writ petitioner's complaint is only with regard to that portion of the road which is the frontage for the property being developed by writ petitioner.

9. After carefully considering the submissions of both sides and perusing the records, this Court is of the considered view that the matter can be resolved by directing a joint survey by jurisdictional Tahsildar in the presence of writ petitioner and sixth respondent (who is said to be the contractor engaged by TNHB), besides TNHB, within three weeks from today, *i.e.*, on or before 30.09.2025 and a copy of the survey report being provided to writ petitioner under due acknowledgment, with a further directive that if



there is any encroachment in road, be it by Housing Board or by any other entity or individual, appropriate action for Removal of Encroachment (RoE) under applicable statute shall be initiated within three weeks thereafter, *i.e.* on or before 21.10.2025. We order so.

10. To facilitate survey, we *suo motu* add the Tahsildar, Ambattur Taluk, Chennai - 600 053 as seventh respondent and Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for the newly impleaded seventh respondent also.

11. Learned Standing Counsel for TNHB undertakes to inform sixth respondent about this order and furnish a copy of this order to sixth respondent. Therefore, we dispense with notice to sixth respondent making it clear that all the rights and contentions of sixth respondent will stand preserved by this order (this order will not impact the rights and contentions of sixth respondent). In this view of the matter, there is no impediment in taking up the captioned main WP for disposal in the Admission Board *i.e.*, Motion List, itself, with the consent of aforereferred counsel.

12. We hasten to add that action against alleged encroacher(s), in the event of there being any encroachment, necessarily means that alleged



encroacher(s) would be show caused. This Court makes it clear that all rights and contentions of alleged encroacher(s) are preserved when alleged encroacher(s) is/are show caused and this order does not impinge upon their rights. It is made clear that if construction is proceeded with, it will be at the risk and peril of the parties concerned.

13. Captioned main WP stands disposed of in the aforesaid manner, with preservations of rights and contentions of parties. There shall be no order as to costs.

(M.S., J.) (M.S.K., J.)
09.09.2025

cad
Index : Yes/No
NC : Yes/No

To

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Housing & Urban Development Department
Government of Tamil Nadu
Fort St. George
Chennai - 600 009
2. The Chairman or Managing Director
Tamil Nadu Housing Board
Tamil Nadu Housing Board Complex
Nandanam
Chennai - 600 035



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