



WEB COPY



W.P. No.1333 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P. No.1333 of 2025

V. Kumar

Petitioner

vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Buildings, Chennai 600 003
2. The Zonal Officer
Zone-10, Greater Chennai Corporation
Kodambakkam, Chennai 600 024
3. The Assistant Engineer
Ward No.127, Zone-10
Greater Chennai Corporation
Chinmaya Nagar, Koyambedu, Chennai 600 107
4. Vinu
5. Karunanidhi Chozhan
6. Durai Pazham
7. Mohan
8. Maruti Zuzuki Ltd. building under construction
S.No.141/1, Poonamallee High Road
Chennai 600 107
9. The Tahsildar
Aminjikarai Taluk
Chennai 600 107
(*suo motu* impleaded by Court *vide* order
of this Court dt.21.01.2025)

Respondents

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Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by respondents 4 to 8 and others into the cart road in S.No.141/1, Block No.32, T.S.No.18, Koyambedu Village, Ward No.127, Zone-10 of the Greater Chennai Corporation.

For petitioner	Mr. P. Rajendran
For RR1 to 3	Mr. Arun Babu Standing Counsel
For R9	Mr.M.S. Arasakumar Government Advocate

ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) pertains to 'Survey No.141/1, Block No.32, T.S. No.18, Koyambedu Village, Aminjikarai Taluk, Chennai District' (hereinafter 'said land' for the sake of convenience and clarity) and according to writ petitioner, said land is situate in Ward No.127, Zone – 10 of 'Greater Chennai Corporation' ('GCC' for the sake of brevity) .

2. Short point raised by learned counsel for writ petitioner is that there is encroachment by RR 4 to 8 (private respondents) *qua*



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said land and writ petitioner seeks to mandamus RR 1 to 3 to do the needful. Learned counsel submits that repeated requests to official respondents have been in vain and that has necessitated the captioned WP.

3. Issue notice to official respondents.

4. Mr. Arunbabu, learned Standing Counsel, accepts notice for RR 1 to 3. Learned Standing Counsel, advertng to the extract from Town Survey Land Register ('TSLR' for the sake of brevity) filed by the writ petitioner, submits that said land is 'sarkar poramboke' and that it is being used as a cart track (வண்டிப் பாதை). In other words, learned Standing Counsel submits that it does not vest in GCC.

5. Responding to the aforesaid submission, learned counsel for writ petitioner drew our attention to a communication from the jurisdictional Tahsildar (signed on 22.12.2016) bearing reference Na.Ka.No. ஆ1-6360/2016, being a communication from the jurisdictional Tahsildar to the Assistant Engineer of GCC. Advertng to this communication (signed on 22.12.2016), learned counsel for writ



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petitioner submitted that jurisdictional Tahsildar has written to the Assistant Engineer of GCC that said land vests in GCC.

6. In the light of the narrative thus far, we deem it appropriate to *suo motu* implead the jurisdictional Tahsildar, viz., Tahsildar, Aminjikarai, Chennai - 600 107 as R9. We do so. Mr.M.S.Arasakumar, learned Government Advocate, accepts notice for R9.

7. Learned Government Advocate submitted that R9 would now conduct a joint survey *i.e.*, survey after putting the writ petitioner as well as RR 4 to 8 on notice and thereafter, if any encroachment is found, appropriate action under applicable statute will be initiated against alleged encroachers. This submission is recorded.

8. Learned Government Advocate also submitted that the exercise of joint survey will be completed as expeditiously as the business of R9 would permit but in any event within 8 weeks from today, *i.e.*, on or before 18.03.2025.



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9. Post joint survey, if any encroachment is found, let action under appropriate statute be kick-started, *i.e.*, commenced and concluded as expeditiously as the business of the authorities concerned would permit.

10. We deem it appropriate to write that all the rights and contentions of private respondents (RR 4 to 8) shall remain preserved for the same being raised if they are show caused post joint survey. This puts in a safety valve *qua* private respondents (RR 4 to 8). Therefore, considering the limited scope of the captioned WP, captioned WP was taken up in the Admission Board with the consent of learned Standing Counsel for GCC, learned Government Advocate for R9 and learned counsel for writ petitioner.

11. Captioned main WP is disposed of by recording the stated position of learned Government Advocate for R9 in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
21.01.2025

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Internet : Yes/No

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M.SUNDAR, J.

and

K.RAJASEKAR, J.

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To

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