



WEB COPY

W.P No. 42162 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 42162 of 2025 AND

WMP NO. 47213 OF 2025, WMP NO. 47218 OF 2025

1.V.P.Govindarajan

At Door No.E2, No.171, G.P.Lane, G.P. Road, Anna
Salai, Chennai 600002.

2.P.Balasubramanian

At Door No.E2, No.171, G.P.Lane, G.P. Road, Anna
Salai, Chennai 600002.

..Petitioners

Vs

1. The Commissioner

Greater Chennai Corporation, Ripon Buildings,
Chennai 600 003.

2. The Zonal Officer, Zone XIV,

Greater Chennai Corporation, Puluthivakkam,
Chennai 600 091.

3. The Commisioner Of Police,

32, E.V.K Sampath Road, Periamment, Vepery,
Park Town, Chennai 600007.

4. Mr.Palanivel Kumarasamy,

President (arulmigu Angala Parameswari Amman
Temple), Respondent Residing At No.5 /329
Elango Nagar, South, Gandhi Street, Chennai
600 096.

5. Mr. Selvaraj, Trustee,

(arulmigu Angala Parameswari Amman Temple),
Respondent Residing At No.5 /329 Elango Nagar,
South, Gandhi Street, Chennai 600 096.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to take appropriate statutory action under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998,



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including removal of the illegal encroachments made by Respondents 4 and 5 the road margin of ward No.182, Nehru Nagar 1st Main Road, Kottivakkam, Chennai 600 041, within a time frame to be fixed by this Honourable Court.

For Petitioners : Mr.C. Ravichandran

For Respondents : Mr.P.Prithvi Chopda
Standing Counsel - for RR 1 and 2

Mr.S.Rajakumar
Additional Public Prosecutor - for R3

R4 and R5 - Notice dispensed with

Order

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

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 and 2 to take appropriate statutory action under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998, including removal of the illegal encroachments made by Respondents 4 and 5 on the road margin of ward No.182, Nehru Nagar 1st Main Road, Kottivakkam, Chennai 600 041, within a time frame to be fixed by this Court.

2. It is alleged by the petitioner that the private respondents 4 and 5 have encroached upon the road margin at Ward No.182, Nehru Nagar, 1st Main Road, Kottivakkam, Chennai 600 041, where the land / road belongs to the respondent Corporation. In order to remove such encroachment, steps have been taken by the petitioner way of a representation, which did not evoke any response and therefore the petitioner has approached this Court by way of this writ petition.



3. Relying upon the photographs that are enclosed in the typed set, 1 learned counsel appearing for the petitioner would submit that, there has been a rampant encroachment on the very road margin itself and despite the requests made in this regard, the respondent Corporation has not taken any action, which triggered the petitioner to approach this Court.

4. Heard Mr.Prithvi Chopda, learned Standing Counsel for the respondent Corporation and Mr.S.Rajakumar, learned Additional Public Prosecutor appearing for the fourth respondent. In view of the order that is going to be passed in this writ petition, notice to the private respondents 4 and 5 is hereby dispensed with.

5. Learned Standing Counsel for the respondent Corporation would submit that the allegation made by the petitioner against the private respondents has to be verified by conducting an inspection and survey and thereafter, if any encroachment is found in the road margin, which belongs to the respondent Corporation, action would be initiated by invoking the provisions of the Tamil Nadu Urban Local Bodies Act.

6. Having regard to the said stand taken by the learned Standing Counsel for the respondent Corporation, this Court is inclined to dispose of this writ petition with the following orders.

- (a) There shall be a direction to the respondent Corporation to conduct a survey / inspection at the land in question to find out whether there is any encroachment by the respondents 4 and 5 as alleged by the petitioner and after verifying such encroachment, needful action be undertaken by the respondent Corporation, where, Section 128 of the Tamil Nadu Urban Local bodies Act can



also be invoked by giving notice to the petitioner as well as the private respondents in accordance with the procedures contemplated therein.

(b) Needful action shall be undertaken by the respondent Corporation within a period of two months from the date of receipt of a copy of this order.

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

W.M.P.No.47213 of 2025 is ordered. W.M.P.No.47218 of 2025 is closed.

(R.S.K.,J.) (H.C.,J.)
06-11-2025

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

KST



To

W.P No. 42162 of 2



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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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