



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 5407 of 2023

M.Sampath Kumar

..Petitioner

Vs

1. The District Collector,
Tiruvallur District.
2. The Tahsildar
Poonamallee Taluk,
Poonamallee, Tiruvallur District.
3. The Block Development Officer,
Poonamallee, Tiruvallur District.
4. Senneerkuppam Panchayat,
Rep. by its President, senneerkuppam,
Poonamallee.
5. G.Maheshsha
6. M.Mohanram
7. Gurralla Anand Kiran
8. L.Srinivasan
9. Arthi
10. M.Rajasha
11. R.Ramamoorthy

[Respondents 5 to 11 are impleaded as per order dated 18.03.2026 made in WMP.No.12243 of 202 in W.P.No.5407 of 2023.]

..Respondents



Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the encroachments in the nature of sewerage sump, building and iron gate put up on the 24 feet public road located in Jeevan Prakash Nagar, Senneerkuppam Village, Poonamallee Taluk, Tiruvallur District.

For Petitioner : Mr.Manoj Sreevalsan

For Respondents: Mr.T.Arunkumar,
Addl. Govt. Pleader for R1 to R3

R4 – No appearance

Mr.S.N.Ravi Kumar for R5 to R11

Order

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

The Writ of Mandamus has been instituted seeking a direction to the respondents to remove the encroachment in the nature of sewerage sump, building and iron gate put up on the 24 feet public road located in Jeevan Prakash Nagar, Senneerkuppam Village, Poonamallee Taluk, Tiruvallur District.

2. The learned counsel for the petitioner would submit that the public pathway has been obstructed at the instance of the plot owners and thereby depriving other owners to use the common street in the subject property.

3. It is not in dispute that in the approved layout, street has been earmarked. The petitioner as well as the impleaded respondents have



purchased their respective plots and constructed residential houses. Infrastructure facilities including electricity is provided by the local Authorities.

Therefore, putting up gate or causing obstruction at the instance of the builder or owner is unacceptable.

4. The Tahsildar has conducted inspection and addressed a letter to the Block Development Officer vide proceedings dated 02.08.2022, wherein he has narrated the facts as under:

Mr.Sampath S/o Shanthy residing at No.15, Aim Flats, A1, Chinnappa Nagar, Karayanchavadi, Sennerkuppam Village, Poonamallee Taluk, Thiruvallur District has given a complaint for removal of encroachments made in his street.

The Village records of the Plots where petitioner resides is as follows:-

S. No.	Survey No.	A/Ra	Natham/ nanesi/ Punsei/ Manavari	Measurement (in Hectares)	Pattadar details	Remark
1.	103/4B1B	Ra	Punsei	0.02.5	4909, Shanthy W/o Murthy	-
2.	103/4B5	Ra	Punsei	0.00.5	4909, Shanthy W/o Murthy	-

On consideration of the petitioner's petition, Revenue Inspector's report and attached documents, the petitioner has constructed an Apartment in the above survey numbers and residing there. There is a street situated opposite to the petitioner's premise. Investigation reveals that the building and sewage tank have been constructed on the public road.



Wastages from nearby four houses are being discharged into the aforesaid sewerage tank. As per the approved layout it clearly shows that the encroached property is public street road. So I request to remove the encroachments on the said street and intimate the same to the petitioner as well as this office also.

5. In view of the fact that as per the approved layout it is a street, which is earmarked for public usage, it cannot be obstructed by six plot owners who have constructed their respective houses in the plots. Streets must be made available for public usage as per the approved layout. Therefore, the official respondents 1 to 3 are directed to remove all obstructions and maintain the public street for public usage. The impleaded respondents and other plot owners shall remove the obstructions within a period of one (1) month from the date of receipt of a copy of this order, failing which the official respondents shall remove the same within a period of two (2) months thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs.

(S.M.S.,J.) (K.S.,J.)
18-03-2026

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

DSA



To

1. The District collector
Tiruvallur District.
2. The Tahsildar
Poonamallee Taluk, Poonamallee, Tiruvallur
District.
3. The Block Development Officer,
Poonamallee, Tiruvallur District.
4. Senneerkuppam Panchayat,
Rep. by its President, senneerkuppam,
Poonamallee.



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

DSA

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