



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 5909 of 2025

and

WMP.Nos.6493, 6502 & 39265 of 2025

K.Abhaya Kumar

..Petitioner(s)

Vs.

1. The District Collector
Kancheepuram,
Kancheepuram District.
2. Tahsildar
Kundrtur Taluk, Kundrahur,
Chennai.
3. The Municipal Commissioner,
Mangadu Municipality,
No. 5 Vaikunda Perumal Street,
Mangadu, Chennai 600 122.
4. The Municipal Administration And
Water Supply Department, Mangadu,
Kancheepurm District.
5. The Civil Supplies And Consume Protection Department,
Mangadu, Kancheepuram District.
6. The Executive Officer
Mangadu Town Panchayat,
Mandgadu, Chennai.
7. The Village Administrative Officer,
Mangadu "B" Village,
Kancheepuram District.

..Respondent(s)



Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent bearing resolution no. 753 dated 23.12.24 permitting the use of land in Survey No. 500 Mangadu 'B' village for setting up a ration Shop and quash the same.

For Petitioner(s): Mr.R.Thiagarajan

For Respondent(s): Ms.C.Meera Arumugam
Addl.Govt.Pleader – R1, R2, R4, R5 to R7
Mr.P.Srinivas – R3 & R6

ORDER

Heard Mr.R.Thiyagarajan, learned counsel appearing for the petitioner, Ms.C.Meera Arumugam, learned Additional Government Pleader appearing for R1, R2, R4, R5 and R7 and Mr.P.Srinivas, learned counsel appearing for respondent No.3 and R6.

2. The petitioner has moved this Court challenging the resolution passed by the Mangadu Municipality permitting the usage of S.No.500 of Mangadu 'B' Village for setting up a ration shop. Since the Town Panchayat of Mangadu is no longer in existence, the 6th respondent is deleted from the array of parties.



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3. It is not in dispute that S.No.500 of Mangadu Village has been classified in the Government records as “cart track promboke”. The petitioner states that though it has been classified as cart track, a proper road has been laid by the third respondent and the same has been in use by the petitioner and other residents of the area. In case, a ration shop is constructed on the said road, it would amount to encroachment and also cause obstruction to persons using the road. Taking into consideration, the plea of the petitioner, this Court entertained the writ petition and granted an order of stay.

4. The learned Additional Government Pleader moved an application to vacate the stay. One of the averments in the affidavit filed in support of the vacate stay petition is that the petitioner himself has encroached upon the cart track by putting up a compound wall and making certain constructions.

5. Taking into consideration , the plea taken by the state, I called upon the Tahsildar, Kundrathur Taluk, to survey the lands and submit a report to this Court. The Tahsildar has surveyed the area and submitted a report which is scanned and extracted hereunder for ready reference :-



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அனுப்புநர்,
திரு.வாசுதேவன், பி.எஸ்.சி.,
வட்டாட்சியர்,
குன்றத்தூர்.

பெறுநர்
அரசு வழக்கறிஞர்,
மாண்புமையுள்ள சென்னை
உயர்நீதிமன்றம்,
சென்னை-600101

நக. 531/2025/ஆ1, நாள், 31.01.2026

அய்யா,

பொருள்: மாண்புமையுள்ள உயர்நீதிமன்ற வழக்கு எண் 5909/2025, WMP No.39265 of 2025-காஞ்சிபுரம் மாவட்டம் - குன்றத்தூர் வட்டம்- மாங்காடு குறுவட்டம்-மாங்காடு "ஆ" கிராமம் - திரு.அபையகுமார் என்பவர் புல எண் 500, வண்டிப்பாதை வகைபாட்டினை - வண்டிப்பாதையாக மட்டும் பயன்படுத்த வேண்டும் எனவும் சுற்றுசுவரை அகற்ற தடை விதிக்கக் கோரியும் சென்னை உயர்நீதிமன்றத்தில் வழக்கு தொடர்ந்துள்ளது -மேற்படி புலத்தினை நில அளவீடு செய்து அறிக்கை சமர்ப்பிக்கக் கோரி 30.01.2026 அன்று தீர்ப்புரை வரப்பெற்றது-நில அளவீடு செய்து அறிக்கை சமர்ப்பித்தல் - தொடர்பாக

பார்வை: 1. மாண்புமையுள்ள சென்னை உயர்நீதிமன்ற வழக்கு நீதிப்பேராணை எண் 5909/2025, WMP No.39265, தீர்ப்புரை, நாள்.30.01.2026.
2. மாங்காடு குறுவட்ட வருவாய் ஆய்வாளர் அறிக்கை உ.மு.24-2026-வ.ஆ நாள்.31.01.2026
3. குறுவட்ட நில அளவையர் அறிக்கை, நாள் 31.01.2026
4. தொடர்புடைய ஆவணங்கள்.

**

காஞ்சிபுரம் மாவட்டம், குன்றத்தூர் வட்டம், மாங்காடு குறுவட்டம், மாங்காடு "ஆ" கிராமம், புல எண் 500 மற்றும் 530 ஆகியவற்றை அளவீடு செய்து அறிக்கை சமர்ப்பிக்க கோரி மாண்புமையுள்ள சென்னை உயர்நீதிமன்ற நீதிப்பேராணை எண் 5909/2025, WMP No.39265ல் வரப்பெற்ற தீர்ப்பின்படி மேற்படி புலத்தினை மனுதாரர் திரு.அபையகுமார் என்பவரின் வழக்கறிஞர் திரு.சாஜிபிரின்ஸ் என்பவர் முன்னிலையில் இன்று 31.01.2026, காலை 11.00 மணியளவில் மேற்படி புலத்தினை குறுவட்ட நில அளவையர் மூலம் அளவீடு செய்யப்பட்டது. மேற்படி நில அளவீட்டின்போது குன்றத்தூர் வட்டாட்சியர், மண்டல துணைவட்டாட்சியர், மாங்காடு குறுவட்ட ஆய்வாளர், கிராம நிர்வாக அலுவலர் மற்றும் காவல் துறையினர் ஆகியோர் முன்னிலையில் நில அளவை செய்யப்பட்டது. அதன் விவரத்தினை பின்வருமாறு சமர்ப்பிக்கிறேன்.

மாண்புமையுள்ள சென்னை உயர்நீதிமன்ற தீர்ப்புரையில் குறிப்பிடப்பட்டுள்ள புலம் மாங்காடு "ஆ" கிராமம், புல எண் 500 மற்றும் 530



புல எண் / ச.ட்.பிரிவுஎண்	வணக்கப்பாடு	பரப்பு ஹெ. ஏ
500	அரசு புறம்போக்கு - வண்டிப்பாதை	1.52.00
530	அரசு புறம்போக்கு -வாய்க்கால்	0.07.00

வ.எண்	புல எண்	ஆக்கிரமிப்பு தன்மை	ஆக்கிரமண பரப்பு
1	500	வீடுகள்-25 கடைமட்டும்-7 பகுதி வீடு+பகுதி கடை=12 தேவலாயம்-1 வணிகப்பயன்பாடு (company)-2 பகுதி வீடு=5	1.26 ஏக்கர்
2	500	சுற்றுச்சுவர், Gate மற்றும் வீடு(பகுதி)- திரு.அபையக்குமார் (ரிட்.மனுதாரர்)	0.21 செண்ட்

Tahsinilar
Kendall



District : Kancheepuram 534

Taluk : Kundrathur

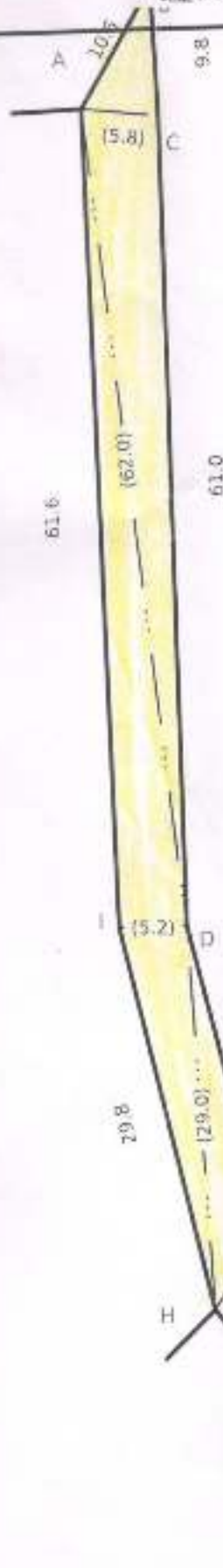
Village : Mangadu B [442]



Survey No : 530

Area : Hect 00 Ares 7.00

Scale : 1 : 500



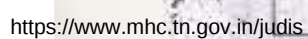
531

TIURUVALLUR DISTRICT

Reference

● Road

மா. சிவசுப்பிரமணியன்
மாநிலப் பேரவைத் துறைமுகப்
கட்டுப்பாட்டு அலுவலர்.





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6. A perusal of the report shows that the petitioner has encroached upon the land to an extent of 21 cents. Apart from this, other encroachments to an extent of 1.14 acres have been made all along the road. It is surprising that the first and second respondents have not lifted to little finger to ensure that the encroachments are removed and the road as a vandi pathai, is restored to its original position. Be that as it may, as on date, the petitioner has been found to be an encroacher.

7. When this aspect was pointed out, Mr.R.Thiyagarajan submitted that the petitioner had put up the compound wall only in order to protect the property from any encroachments. In any event, in the reasoning of the writ petitioner, to prevent encroachments,, the petitioner himself has turned out to be the encroacher.

8. Being a writ jurisdiction, a person who claims equity must come with clean hands. Hence, I called upon Mr.Thiyagarajan to remove the encroachments made by the writ petitioner over S.No.500 of Village V.Mangadu.



9. Mr.Thiyagarajan has filed an undertaking affidavit sworn to by the father of the writ petitioner. It is also stated that he has been authroised to file the said undertaking affidavit. The same is scanned and extracted hereunder :-

IN THE HIGH COURT OF JUDICATUR AT MADRAS

(Special Original Jurisdiction)

W.P. No. **5909** of 2025

K. Abhaya Kumar
S/o. C. Kishanlal
No.23, Kutcherry Road,
Chennai – 600 004

...

Petitioner

Vs.

1. The District Collector,
Kancheepuram
Kancheepuram District

2. The Tahsildar
Kundrathur Taluk
Kundrathur
Chennai – 600

3. The Municipal Commissioner
Mangadu Municipality
No.5, Vaikunda Perumal Street,
Mangadu, Chennai – 600 122

4. Municipal Administration and
Water Supply Department
Mangadu, Kancheepuram District

5. The Civil Supplies and Consumer Protection Department
Mangadu,
Kancheepuram District.

6. The Executive Officer,
Mangadu Town Panchayat
Mangadu
Chennai

7. The Village Administrative Officer,
Mangadu "B" Village,
Kancheepuram District

...

Respondents



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AFFIDAVIT OF C. KISHANLAL

I, C. Kishanlal, son of Champa Lal, aged ⁷⁴~~57~~ years, residing at No.41, Kutchery Road, Mylapore, Chennai-600 004, do hereby solemnly affirm and sincerely state as follows:

1. I am the father of the Petitioner herein and as such I am authorised by the petitioner to file the present affidavit on his behalf and as such i am well acquainted with the facts of the case.
2. I state that the present Writ Petition has been filed by the petitioner to issue a writ, order or direction more in the nature of WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the 3rd Respondent bearing Resolution No.753 dated 23.12.2024 permitting the use of land in Survey No.500 Mangadu B Village for setting up a Ration shop and Quash the same and thereby retain S.No.500 of Mangadu B Village as a cart track only, since there was a resolution passed by the authority that the cart track will be used for government purposes and that would be hurdle the ingress and the egress of the property.
3. I state that the Present Writ Petition was heard by this Hon'ble court and the Hon'ble court was pleased to direct the authorities/Respondent to survey the property comprised in S No.500 and 530 and file a report before the Hon'ble Court.
4. I state that as per the order of this Hon'ble Court the inspection /survey was held and the report has been filed before the Hon'ble Court, regarding the encroachments in and around the above mentioned Survey numbers.



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5. I state that the Petitioner has never intended to encroach the property of the Government rather to safeguard his property he has erected a compound wall for alien elements who tried to encroach the property over the years.

6. Morefully to bring to the notice of this Hon'ble Court the Petitioner through me has written a letter dated 21.08.2021 to the Tahsildar, Kundrathur stating the present status and has also assured that if the cart track is used as the cart track or the Road he is always ready to remove the compound wall erected by him and presently as per the suggestions made by this Hon'ble Court the Petitioner shall demolish the Compound wall erected by him as per the survey plan and erect the compound wall in his own property boundaries.

7. I state that for effecting the above-mentioned correction in the property it is thereby most humbly and respectfully requested before this Hon'ble Court that the Petitioner may be granted with 2 weeks time, so as to enable the Petitioner to demolish and construct the compound wall and a gate for ingress and egress in his boundaries and thus render justice.

Solemnly affirmed at Chennai
On this the 27th day of February 2026.
And signed his signature in my presence


Before Me


Advocate :Chennai
ENO247105
No. 4/25. Aswathi
Ch. 28



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10. Mr.P.Srinivas appearing for the third respondent states that as of now there is no proposal to construct a ration shop in the aforesaid Survey number. In terms of Section 118 of the Tamil Nadu Urban Local Bodies Act, the road vests with the Municipality for the purpose of maintenance. The logic applied by the petitioner that to protect the road from other encroachments, cannot be adopted by the local body. Hence, S.No.500 of Mangadu 'B' Village will be maintained as it is, unless and until the Government issued proceedings closing the road and taking over the same for any other purpose.

11. The Writ Petition is disposed of with the following directions :-

- i) As per the undertaking, the petitioner shall remove the encroachment made by him to an extent of 21 cents within a period of two weeks and shift the compound wall into his holding.
- ii) Once the compound wall is removed by the petitioner, the respondents shall maintain the road as it stands.



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iii) It is left open to the wisdom of the District Collector to take appropriate action in accordance with law, as he or she desires to ensure that the other encroachments are removed.

No costs. Consequently, connected miscellaneous petitions are closed.

27-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKD

To

1. The District Collector
Kancheepuram,
Kancheepuram District.
2. The Tahsildar
Kundrtur Taluk, Kundrahur,
Chennai.
3. The Municipal Commissioner,
Mangadu Municipality,
No. 5 Vaikunda Perumal Street,
Mangadu, Chennai 600 122.
4. The Municipal Administration And
Water Supply Department,
Mangadu, Kancheepuram District.
5. The Civil Supplies And Consume Protection Department,
Mangadu, Kancheepuram District.
6. The Executive Officer,
Mangadu Town Panchayat,
Mandgadu, Chennai



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WP No. 5909 of 2



V.LAKSHMINARAYANAN J.

KKD

7. The Village Administrative Officer
Mangadu 'B' Village, Kancheepuram District.

WP No. 5909 of 2025

27-02-2026