



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 9711 of 2026

Kamaraj

..Petitioner(s)

Vs

1. The District Collector
Thiruvallur District.
2. The Tahsildar
office of the Avadi taluk office,
Avadi, Chennai-54
3. The Commissioner
Villivakkam Panchayat Union,
Ambattur, Chennai-600 053
4. The Block Development officer
Villivakkam (Village) Panchayat Union,
Ambattur, Chennai-600 053
5. The Executive Officer
Ayapakkam Panchayat Ayapakkam,
Chennai-77
6. S.Srinivasan

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorari to call for the records of the impugned order dated 23.02.2026 passed in Na.Ka. No.1530/ 2018 / AA1 by the 2nd respondent and quash the same.



For Petitioner(s):
For Respondent(s):

Mr.S.Senthilvel
Mr.T.Arunkumar
Additional Government Pleader for R1&2
Mr.A.Anandan
Government Advocate for R3-5

ORDER

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

Notice issued by the Tahsildar asking the petitioner to remove the encroachments in public road vide Proceedings in Na.Ka.No.1530/2018/ AA1, dated 23.02.2026 is under challenge in the present writ petition.

2. Learned counsel for the petitioner would submit that residential house belongs to the petitioner situated in a dead end road, and constructions are made in the dead end road without causing any obstruction to other residents in that locality. That apart, petitioner is ready and willing to purchase the portion of the road property by paying the consideration. Thus, this Court may consider and pass necessary orders.

3. Learned Additional Government Pleader would oppose by stating that authorities found that the subject road is a street. Encroachments are identified on the public road. Petitioner beyond his land put up construction and encroached upon the public road. Thus, notice came to be issued. Enforcement action is initiated pursuant to the direction issued by this Court in WP.No.31758 of 2018, dated 15.02.2024.



4. This Court is of the considered view that regarding purchase of the property, Writ Court cannot issue any direction. Admittedly, petitioner encroached upon the dead end public road. Therefore, enforcement action initiated by the authorities cannot be termed as perverse. Once encroachments are identified in the public road, even if it is a dead end road, no person can encroach upon such land which is meant for public usage.

5. This being the factum established, petitioner is not entitled for any relief. There is no impediment for the authorities to proceed with the enforcement action for removal of encroachments.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
13-03-2026

GD
To

1. The District Collector
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5. The executive officer
Ayapakkam Panchayat Ayapakkam,
Chennai-77

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

GD

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