



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 47521 of 2025

S.Ravindran

..Petitioner(s)

Vs

1.The Commissioner

Greater Chennai Corporation, Rippon Building,
Chennai-600 003.

2.The District Collector

Chennai Collectorate Office, Chennai.

3.The Assistant Executive Engineer

Unit -2, Zone-I, Greater Chennai Corporation,
Thiruvottiur, Chennai-600 001.

4.The Assistant Engineer (AE)

Greater Chennai Corporation, Zone-1,
Thiruvottiur, Chennai-600 013.

5. K.Karthick MC, Son of Kuppan

[R5 impleaded vide order dated 27.02.2026
by this Court in WMP No. 1041 of 2026]

..Respondent(s)

Prayer : This petition has been filed under Article 226 of the Constitution of India, directing the 4th respondent to consider the representation dated 03.10.2025 and Challan No.NA/2025-26/0007954 dated 13.10.2025 and to remove the Electricity Lamp post which has been erected on the Othavadai Street, Gandhiji Nagar (sadayakuppam Batta road), Thiruvottriur, Chennai-600019.

For Petitioner(s):

For Respondent(s):

M/s. M.Elumalai

Mr.G.T.Subramanian, RR1, 3 & 4

Mr.L.S.M.Hasan Fizal, AGP, R2

Mr.S.Vishal, R5



ORDER

I heard Mr.M.Elumalai for the petitioner, Mr.G.T.Subramanian for the first, third and fourth respondents, Mr.L.S.M.Hasan Fizal for the second respondent, and Mr.S.Vishal for the fifth respondent.

2. The petitioner is the owner of the property situated in Survey No. 616/21 of Thiruvottiyur Village, Chennai, comprised in Town survey No. 51, Ward-D, Block No.8. The extent of his holdings is about 11 cents. He purchased the same through a registered sale deed dated 29.01.2009. It is registered on the file of the jurisdictional sub-registrar document No.499 of 2009. The petitioner states that the access to his property is through a street called Sadayappa Road. The said road is a public road. It is vested with the Greater Chennai Corporation.

3. Certain individuals had encroached upon this road and had put up constructions. The petitioner filed W.P. No.6456 of 2023 to remove them. After hearing both sides, this Court directed the Corporation Officials to inspect the area and to take appropriate action as regards the encroachments and unauthorized construction situated therein. The petitioner alleges, not surprisingly, that the Corporation was reluctant to remove the encroachments on the road. Hence, he presented Contempt Petition No. 2643 of 2024. The said



petition is pending consideration.

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4. The petitioner further alleges that the Corporation finally issued the demolition notices on 17.03.2025. Challenging the same, writ petitions were filed in W.P. No. 10959 of 2025 and W.P. No. 11215 of 2025. By order dated 27.03.2025, the demolition notices issued by the Corporation were upheld. The head ache of the petitioner started thereafter.

5. Soon thereafter, a Vinayagar Temple was constructed on Sadayappa Road, thereby, obstructing the free movement of persons over the said area. The petitioner immediately brought it to the notice of the Corporation officials that the road itself has been encroached for construction of a religious structure. Instead of driving the petitioner to file another writ petition, the Corporation officials removed the religious structure and restored the road to its original position. The cause of action for the present writ petition is that the Corporation Officials have the shifted lamp post, which was on the edge of the road abutting the temple, to Sadayappa Road, in such a manner that the ingress and egress cannot be effected by any person. The petitioner alleges that the shifting of the lamp post from the original position to the new position was done to spite the petitioner as the encroachers has approached the fifth respondent and requested his interference.



6. Taking into consideration the plea raised by Mr.M.Elumalai, this Court impleaded the jurisdictional Councillor as the fifth respondent to the writ petition.

7. On the day, the impleading petition was listed, Mr.K.Balaji represented that he would be entering appearance on behalf of the fifth respondent. Considering the plea of Mr.K.Balaji, Mr.M.Elumalai was called upon to serve the entire papers on him so as to enable the fifth respondent to file a counter.

8. Mr.G.T.Subramanian has filed a counter on behalf of the third respondent. The third respondent has stated that the electrical post erected on Sadayappa Road on 20.08.2025 was not a new location, but on the very same location, it was standing earlier. The old lamp post was removed and a new one was installed therein, on account of the fact that the old one had lost its utility due to natural wear and tear. It had become rusty and thereby, dangerous to the passers by. The counter also states that the electrical lamp is essential to the general public on the road and that shifting it might not be practical for the following reasons:-

- (1) if it is moved forward, it would affect the free traffic on the road;
- (2) if it is moved towards the Temple, the Temple shade will be affected;
- (3) if it is moved to the northern side, it will affect the balcony of a property.



9. The fifth respondent has filed a counter. After narrating the importance of Arulmigu Panchamuga Nagathamman Temple, he has stated that the temple authorities had lodged a complaint to the police stating that an attempt has been made to grab the Temple property and the pathway. According to him, the EB post does not cause any trouble to the petitioner or any other persons in the locality. He has given an advice to the petitioner to approach the local authorities to resolve this issue and not to indulge in filing of cases. The fact that the lamp post has been erected on Sadayappa Road on a small lane leading to the petitioner's property to an extent of 2 feet inside the lane, is admitted in paragraph No.10 of the affidavit. The 5th respondent casts aspersions on the Corporation Officials stating that they have received monies from the writ petitioner and removed the Vinayagar Temple, which though placed on the road, was not causing any disturbance to anyone. The fact that the lamp post has been placed in the present location on the instructions given by the local Councillor has been admitted in paragraph No.11 of the counter filed by the fifth respondent. He has stated that he is not supporting the encroachers. On the contrary, he is going to move a resolution in the next Local Body Meeting for identification of the encroachers in Ward No.7 of his local body constituency and for removal of the same. On these pleas, the fifth respondent seeks dismissal of the writ petition.



10. It is not in dispute that the lane running North South from Sadayappa Road leading to the petitioner's property is a public road. I am not concerned whether the public road has been encroached upon by the private individuals in this writ petition, as the matter is seized of by this Court in the contempt proceedings initiated by the petitioner. The only issue that I am concerned with in this writ petition is, whether the Corporation officials are entitled to put up an electric post 2 feet onto a public lane and thereby, prevent free movement of persons on the said road.

11. The Tamil Nadu Local Bodies Act, 1998, deals with public streets. A public street has been given a wide definition under Section 2(30) of the Act. Section 118(1) of the Act vests all public streets including pavements, subways, flyovers, squares, etc., including the soil and subsoil, within a local limit with the local body. A statutory duty has been mandated on the local body to maintain public streets as they are. An exception is created under Section 118(4) enabling the council to provide for any lighting system on a public street through any agency approved by the Director. Under Section 118(6), in case, there are any projections or structures or fixtures attached to a building, which causes projection, encroachment or obstruction over any public streets or public places vested in a municipality, the Commissioner is called upon to issue a notice on the encroacher of the public street to remove the projections,



encroachments and obstructions.

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12. Here is a case, where instead of calling upon the persons, who have projected their roof on to a public road, and thereby, interfering with the right of the Corporation to install a lighting facility, the Corporation officials have graciously decided to part away with their duty under Section 118(6) and have permitted persons to have projections over a public lane. Initially, the lane was encroached upon by constructing a temple. Realizing it cannot be retained now, a lamp post has been moved in its stead.

13. It is not quarrelled by the petitioner that the existence of a public lighting on the street is essential for the residents of the locality. The ground on which the lamp post has been moved 2 feet away from its original location abutting the Temple, to the present location encroaching upon the public street, is that, in case the lamp post is not moved, the projection made by the Temple onto the public street would be damaged. While the religious sentiments expressed by the third respondent requires to be appreciated, when it comes to performance of public duty, it is the nature of his office that he keeps his private opinions on religious and other affairs aside and implement the mandate of the Local Bodies Act. Instead of calling upon the Temple to remove the projection and replace the lamp post in the original location on the 'kind persuasions' of the fifth respondent, the Corporation Officials have installed the lamp post right



onto the road. Sadly for the Corporation Officials, the fifth respondent, while accepting the responsibility for giving directions for shifting, has accused them of corruption viz., receiving monetary gains from the petitioner in performance of their duties of removing a Vinayagar Idol on the road.

14. The discussion above makes it clear that the lamp post has been moved only in order to protect the projections made by the Temple on to the public road and also on the 'gentle persuasion' of the local Councillor. The State respondents are bound by the Local Bodies Act and the Rules made thereunder, which I am sure will take a precedence over the words of 'advice' as to where the lamp post must be placed as given by the Councillor, viz., the fifth respondent.

15. In the light of the above discussions, there shall be a direction to respondent Nos. 1, 3 and 4 to shift the lamp post to the original position as it stood before and remove the obstruction over the lane on Sadayappa road. In case, the projection of the Temple comes in the way of installation of the lamp post, instead of the Corporation becoming an encroacher of the public road by installation of the lamp post, they are directed to invoke Section 118(6) to remove the projection and install the lamp post. The said exercise shall be completed within a period of eight(8) weeks from today (27.02.2025).



16. Insofar as the plea of the fifth respondent that the Corporation Officials have indulged in acts of corruption is concerned, it is up to the high authority of the Councillor to take such actions as he deems fit.

17. The writ petition is ordered. No costs.

27-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Maya

To

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V.LAKSHMINARAYANAN, J.

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