



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2026

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CORAM:

**THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

W.P.No.7046 of 2018
and
W.M.P.No.27104 of 2019

1.Dr.R.Raj Kumar,
No.1/94,
Bajanaikovil Street,
Uthandi Village,
Chennai 600 119.

2.Mr.R.Arun Kumar,
No.1/194,
Bajanaikovil Street,
Uthandi Village,
Chennai 600 119.

.. Petitioners

/versus/

1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai 600 002.

2.The District Collector,
Chengalpattu District,
Chengalpattu 603 001.



3.Member Secretary,
Mamallapuram Local Planning Authority,
5, Rathna Complex,
Mamallapuram,
Chengalpattu District 603 104.

4.Block Development Officer,
Thiruporur Block, Thiruporur,
Chengalpattu District.

5.Special Officer,
Village Panchayat,
Kanathur Reddy Kuppam Village,
Thiruporur Taluk,
Chengalpattu District.

6.Srimathi Pattammal Educational Trust,
No.135, East Coast Road,
Kanathur Reddy Kuppam,
Thiruporur Taluk,
Chengalpattu District 603 112.

7.Academy of Maritime Education and Training
(Deemed to be University under Section 3 of the UGC Act),
Rep.by its Chancellor Mr.J.Ramachandran,
No.135, East Coast Road,
Kanathur Reddy Kuppam,
Thiruporur Taluk,
Kancheepuram District 603 112.

8.M/s Orchids India Limited,
Rep.by its Managing Director,
5107, II Avenue,
Anna Nagar, Chennai 600 040.

9.The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Maraimalai Nagar 603 209.
(R9 Suo Motu impleaded as per order
dated 27.03.2018 by MVJ and SVNJ in W.P.No.7046/2018)



(R2 to R7, R9 Cause title amended *vide* order dated 08.01.2026 made in W.M.P.No.16283/2020 in W.P.No.7046/2018 by ASMJ, MSKJ)

10. Director,
Department of Environment,
1, Jeenis Road, Panagal Building,
Saidapet, Chennai 600 015.

11. Revenue Divisional Officer,
Chengalpattu Revenue Division,
Chengalpattu 603 001.

12. Thasildhar,
Tiruporur Taluk, Tiruporur 603 110.

13. Revenue Inspector,
Kelambakkam, Tiruporur Taluk,
Chengalpattu District 603 103.
(R10 to R13 impleaded *vide* order dated 09.02.2026
made in W.M.P.No.16282/2020 in
W.P.No.7046/2018 by ASMJ, MSKJ).

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 herein to take necessary steps forthwith under Sections 49, 56, 57, 83, 85 and 88 of the Town and Country Planning Act, 1971 towards construction of buildings in the various sub divisions in survey Nos.64, 64/2, 65, 65/4, 69, 70, 71, 72, 73, 76 and 76/7, Kanathur Reddy Kuppam Village, Kancheepuram District, by the respondents 6 to 8 without planning permission as well as without any Approval from respondents 1 to 5 and further direct the respondents 1 to 5 to restore the pathway in survey Nos.72 and 76 for access to petitioners agricultural lands as well as to the lands adjacent to 7th respondent lands by following the Regulations 3, 3(1)(c), 4(22), 5, 5(1)(a), 5(1)(b), 5(1)(c), 5(11), 5(14) and Schedule I of Open Space Reservation (OSR) of Development Control Regulations (DCR).



For Petitioner :Mr.Sreenath Sridevan, Senior Counsel for
Mr.S.T.Bharath Gowtham

For Respondents :Mr.V.Ravi, Spl.G.P. for R1 to R3 and
R10 to R13
Mr.M.Elumalai for R4 and R5
Mr.R.Prabakar for R6
Mr.N.Jothi, Sr.C. for Mr.S.Vinod for R7
Mr.N.Manokaran for R8
Mr.S.K.Rameshuwar for R9

ORDER

(Order of the Court was delivered by Dr.G.Jayachandran, J.)

The 6th Respondent-Trust is running an Educational Institution, by name, Academy of Maritime Education and Training, which is arrayed as 7th Respondent. The land measuring about 7 acres in Survey Nos.64, 65,69,70,71,73 and 76 in Kanathur Reddy Kuppam Village, Kancheepuram District stands the Institution building. The petitioners herein are the owners of the neighbouring land in Survey Nos.66/3A and 66/4 owning nearly 1 acre 8 cents of land in total.

2. The grievance of the writ petitioners are 3 folds. Firstly, the building constructed by the 6th and 7th Respondents is an unauthorized construction. Secondly, the path way leading to his land has been obstructed by the private respondents by putting up a compound wall. Thirdly, the water body and the canal passing through Survey Nos.76/7 and 65/4 been encroached and water flow is obstructed.



3. This Court at the timing of admission passed interim order, but, later on, after notice, when the respondents placed certain records before the Court, the interim order has been modified. Pending consideration of this writ petition, based on the counters filed by the respective respondents, status report from the revenue obtained and the matter been pending for the consideration till date.

4. The Learned Senior Counsel appearing for the petitioner, at the outset, submitted that the claim for right of pathway was subject matter of O.S.No.340 of 2007 on the file of District Munsif Court, Chenglepet, which has reached finality on the disposal of the Second Appeal by the this Court in S.A.No.694 of 2017 against the writ petitioners.

5. Regarding the allegation of unauthorised construction, the counter and the status report filed by the revenue discloses that the private respondents have obtained permission from the local body and put up construction, since there was doubt about the competency of the local body to grant building plan approval, the private respondents had applied for regularisation of the construction to the Members Secretary, Town and Country Planning and the same is pending.



6. The last point left over for consideration is the encroachment of the water body.

In this connection, the Learned Senior Counsel appearing for the private respondent submitted that the water canal and water body are not disturbed by them. In fact, after obtaining permission from the Revenue Department, culvert been constructed under their supervision and there is no obstruction of free flow of water collected during the rainy days. In support of his submission, the request of the 7th Respondent to the Tahsildar, Thiruporur to put up construction of culvert in Survey Nos.72 and 76/7, dated 10.10.2017 and the sanction letter of the Tahsildar, Thiruporur, dated 19.04.2018 were placed before us for consideration.

7. On scrutiny of the request letter and the permission, we find that the Tahsildar, Thiruporur, has grand permission to the 7th respondent to put up culvert subject to certain condition. It is also appropriate to state that when the matter was pending before us, we requested the Special Government Pleader to file the current status report regarding the water body, which is alleged to have been ameliorated by the 7th respondent. The status report submitted by the Tahsildar, Thiruporur, dated 23.04.2026 reveals that the water body is intact and the culvert has been constructed in the canal at Survey No.76/7 for free flow of water. The FMB sketch with marking is also enclosed along with the status report.



8. The Learned Senior Counsel appearing for the writ petitioners, referring to the response given by the Public Information Officer to queries raised under the RTI and the permission letter of the Tahsildar dated 19.07.2019 submitted that there are inconsistent to each other. Despite the admission by the Revenue Department regarding the water canal and the encroachment, permission is granted to put culvert by the Tahsildar, after interim order. The Tahsildar report on current status is not disclosing the true state of affair.

9. The Learned Special Government Pleader appearing for the Member Secretary, Town and Country Planning submitted that the construction been put up by the private respondents has not been regularised so far. Their application for approval of revised plan is pending and no order passed sofar.

10. In view of the submissions and the status report by the Tahsildar, Thiruporur, the prayer in the writ petition seeking Mandamus has to fail for the following reasons:-

(i) The writ petitioners claim to be the owner of the land in Survey No.66 etc. His allegation that he has right of access to the survey numbers mentioned in the writ petition found to be unsustainable by the Civil Court and the order of the Civil Court passed in the second appeal has reached finality.

(ii) Regarding the alleged unauthorized construction of the building, it is



established through records that the local body has granted permission to respondent. However, the regularisation application is pending before the Member Secretary, Town and Country Planning Department and only after disposal of the application, necessary action can be taken in respect of the building.

(iii)The status report of the Revenue Department as well as counters filed by them, we note, there is a categorical assertion that there is no construction on the water body.

(iv)As far as the existing water body is concerned, culvert has been constructed for the free flow of water with the permission of the authorities and the latest Inspection Report of the Tahsildar, vouchsafes that the free flow of water has not been disturbed.

(v)In so far as allegation that the private respondents had encroached upon, the water canal in Survey No.65. The private respondent states that the said survey does not belong to him and the writ petitioners for reason best known, have included Survey No.65 in their writ petition. We find that the private respondents 6 and 7 are no way concerned with Survey No.65 or water canal running in Survey No.65/4.

11. For the reasons stated above, **the Writ Petition stands dismissed**. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

(Dr.G.Jayachandran,J.)

(Shamim Ahmed,J.)

28.04.2026



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Index:yes/no

Neutral citation:yes/no

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