



W.P.No.18915 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.18915 of 2025

and

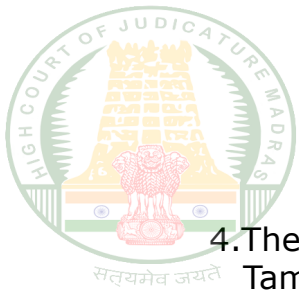
W.M.P. Nos.21193 and 21194 of 2025

- 1.C.James
- 2.S.SamPATH
- 3.Regina Selvam
- 4.B.Sargunavathy
- 5.Abdul Latif
- 6.K.Manimaran
- 7.S.Gopinath

... Petitioners

Vs.

- 1.The Secretary to the Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.
- 3.The Zonal Officer,
Chennai Corporation,
Zone VI, Division 65,
No.5, Andersen Street,
Ayanavaram, Chennai – 600 023.



W.P.No.18915 of 2025

4.The Chairman cum Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration to declare that the action of the respondents 1 to 4 in closing the passage and ingress and egress are illegal, unlawful, violation of rule of law and principles of natural justice and consequently restore the properties of the petitioners in the usage of 20 feet width road running from Sathiyavanimuthu Road Extension (25th Street), leading upto Door No.38, 25th Street, CKM Colony, abutting the pond at GKM Colony, Chennai – 82 facing east of their properties falling with the Chennai Corporation limits in present Division No.65 under the guise of rejuvenation of GKM colony pond park.

For Petitioners : Mr.T.S.Rajamohan

For Respondents : Mr.T.K.S.Saravanan,
Additional Government Pleader for R1
Mr.M.Suresh Kumar,
Additional Advocate General
assisted by Mr.D.B.R.Prabhu,
Standing Counsel for R2 and R3
Mr.N.Jothi, Senior Counsel
assisted by Mr.S.Karthikeyan,
Standing Counsel for R4



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W.P.No.18915 of 2025

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing yesterday (10.06.2025) which reads as follows:

'W.P.No.18915 of 2025
and
W.M.P.Nos.21193 & 21194 of 2025

M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,

In the captioned matter, Mr.T.S.Raja Mohan, learned counsel on record for writ petitioners submits that ingress and egress to writ petitioners' dwelling houses have been blocked. To be noted, there are myriad averments in the writ affidavit and very many points have been raised but in the light of the aforementioned submission, issue notice to respondents.

2. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1, Mr.D.B.R.Prabhu, learned counsel, accepts notice for R2 and R3 and Mr.B.Balaji, learned counsel representing Mr.S.Karthikeyan, learned Standing Counsel, accepts notice for R4.

3. As regards R2 and R3, Mr.M.Suresh Kumar, learned Additional Advocate General is before us. As regards R4,



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W.P.No.18915 of 2025

Mr.N.Jothi, learned Senior Counsel, appears on behalf of Mr.S.Karthikeyan, learned Standing Counsel.

4. Mr.N.Jothi, learned Senior Counsel submitted that the submission of learned counsel for writ petitioners is incorrect and ingress and egress to dwelling houses of writ petitioners have not been completely blocked as averred.

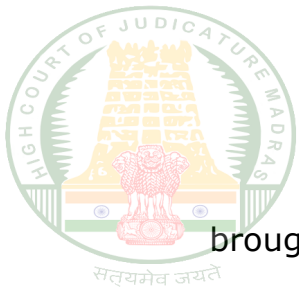
5. Owing to the aforementioned factual disputation, before ploughing into the matter, this Court wanted to examine the course of appointing an Advocate Commissioner to visit the site concerned and give us a short report as regards the contention of learned counsel for writ petitioners that ingress and egress to dwelling houses of writ petitioners have been completely blocked and denial of the same by learned Senior Counsel for R4.

6. Learned Senior Counsel sought for a short accommodation to make submissions on the above tomorrow though this Court was inclined to give audience today and now.

7. List in the Admission Board i.e., Motion List tomorrow.

List on 11.06.2025.'

2. Continuing with the aforementioned submissions, Mr.T.S.Rajamohan, learned counsel on record for writ petitioners submitted that one of the inmates qua six dwelling houses which we are concerned with died and even the mortal remains could not be



W.P.No.18915 of 2025

brought out owing to ingress and egress being blocked. There is vehement disputation on the side of the respondents State with regard to ingress and egress being completely blocked. This impels us to deem it appropriate to appoint Advocate Commissioners to make local inspection and submit a report about the aforesaid factual disputation.

3. Though there was no consensus about the need to appoint Advocate Commissioner (petitioners agreed; State disagreed), there was complete consensus regarding the choice of learned Advocate Commissioners and they are as follows:

*(i) Mr.D.Arul Raj, District Judge (Retired), No.257,
First Main Road, Sairam Nagar, Medavakkam, Chennai –
600 010 (Mobile No.9444145289; email ID:
arulrajvanaja@gmail.com);*

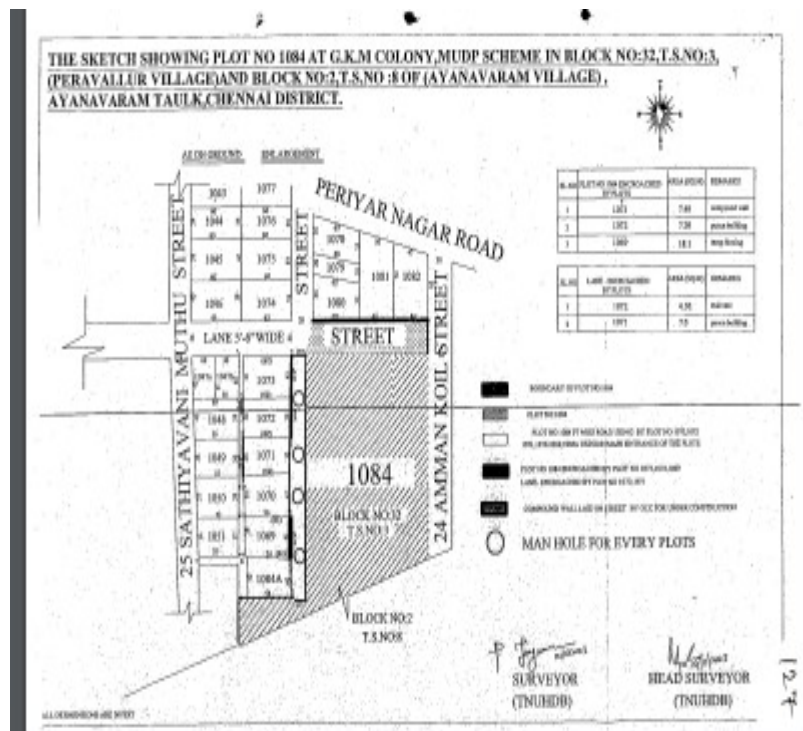
*(ii) Mr.V.Paul Das, District Judge (Retired), Door
No.82/106, Perambur High Road Lane, Jamaliam, Chennai
– 600 012 (Mobile No.9443494445 and 7200484144)*



W.P.No.18915 of 2025

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4. For the convenience of learned Advocate Commissioners, we extract and reproduce the sketch which has been placed before us as part of case file and a scanned reproduction of the same is as follows:



5. Both sides agree that dwelling houses of seven writ petitioners situate in Plot Nos.1073, 1072, 1071, 1070, 1069 (divided into two and two writ petitioners are there) and 1084A.

6. The remit of the learned Advocate Commissioners would be to jointly inspect the aforesaid area where six dwelling houses are situate



W.P.No.18915 of 2025

along with local jurisdictional Taluk Surveyor and give a report to this Court as to whether ingress and egress to the dwelling houses of the seven writ petitioners is blocked.

7. Learned Advocate commissioners are also requested to set out in their report the ground situation regarding the contention of State that there is alternate access.

8. By consent of all the parties, 03.00 p.m. tomorrow (12.06.2025 – Thursday) is fixed as the date and time for inspection.

9. Mr.T.S.Rajamohan, learned counsel for writ petitioners, Mr.T.K.Saravanan, learned Additional Government Pleader for R1, Mr.D.B.R.Prabhu, learned standing counsel for R2 and R3 (GCC), Mr.S.Karthikeyan, learned standing counsel for R4 (then Tamil Nadu Slum Clearance Board now Tamil Nadu Urban Habitat Development Board) accept notice regarding inspection and submit that they will not insist on separate notice from the learned Advocate Commissioners and that they would be present at the site tomorrow (12.06.2025) well in advance for the 03.00 p.m. inspection and extend all cooperation to the learned Advocate Commissioners. We request Mr.T.K.Saravanan,

Page Nos.7/11



W.P.No.18915 of 2025

learned Additional Government Pleader to ensure that the jurisdictional Taluk Surveyor i.e., Taluk Surveyor, Kolathur is present with all requisite records to assist the learned Advocate Commissioners and we also request the Deputy Commissioner of Police, Peravallur, Chennai who is represented by Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor along with Mr.S.Santhosh, learned Government Advocate (Crl. Side) who are before us, to give all assistance to the learned Advocate Commissioners to ensure that the inspection goes on smoothly.

10. Both sides agree that they will not insist on a separate warrant being drawn up. We fix the initial remuneration at Rs.50,000/- to each Advocate Commissioner to be borne equally by both sides. Expenses are to be borne on actuals.

11. Learned counsel for writ petitioners shall furnish one entire set of papers including the typed set of papers to both the learned Advocate Commissioners forthwith.



W.P.No.18915 of 2025

WEB COPY 12. List on 16.06.2025 in the Admission Board i.e., Motion List under the cause list caption 'FOR REPORT'.

(M.S.,J.) (H.C.J.)
11.06.2025

Index : Yes
Neutral Citation : Yes
mmi

P.S.: UPLOAD FORTHWITH

To

- 1.The Secretary to the Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.
- 3.The Zonal Officer,
Chennai Corporation,
Zone VI, Division 65,
No.5, Andersen Street,
Ayanavaram, Chennai – 600 023.
- 4.The Chairman cum Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

Page Nos.9/11



W.P.No.18915 of 2025

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5.The Deputy Commissioner of Police,
Peravallur, Chennai.

6.The Taluk Surveyor,
Kolathur Taluk, Chennai.

7.The Public Prosecutor,
High Court, Madras.

8.Mr.D.Arul Raj,
District Judge (Retired),
No.257, First Main Road,
Sairam Nagar, Medavakkam,
Chennai – 600 010.

9.Mr.V.Paul Das,
District Judge (Retired),
Door No.82/106, Perambur High Road Lane,
Jamalia, Chennai – 600 012.



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W.P.No.18915 of 2025

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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W.P.No.18915 of 2025

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