



WEB COPY

WP No. 23607 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 23607 of 2026

AND

WMP NO. 25562 OF 2026, WMP NO. 25563 OF 2026

V.Balaji
S/o. V. Balram No.94,
Hariharan Bazaar Street,
Ponneri,
Thiruallur District. 601 204

..Petitioner(s)

Vs

1. THE COMMISSIONER of MUNICIPALITY
Ponneri Municipality Corporation,
Ponneri Thiruvallur District.
2. The Taluk Surveyor
Office of the Tahsildar Ponneri,
Tiruvallur District.

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari to call for the records in connection
with the notice dated 05.06.2026 In Na.Ka. No.742/2023/f1 issued by the 1st
Respondent and quash the same as illegal and improper.

**WP No. 23607 of 2026**

WEB COPY For Petitioner(s):

S.Kingston Jerold
Rheefna Jerold
S. Sabarish
A.Divine Rojer
P. Ramkumar

For Respondent(s):

Mr.B.Sivakollapan, GA

Order**(Order of the Court was made by Dr.G.Jayachandran J.)**

1. Mr.B.Sivakollapan, learned Government Advocate accepts notice on behalf of the respondents. By consent, the main writ petition is taken up for final disposal at the admission stage itself.
2. The petitioner herein, being aggrieved by the notice dated 05.06.2026, issued by the Commissioner, Ponneri Municipality, for removal of encroachment, is before this Court, challenging the aforesaid notice on the ground that as a counter blast to the writ petition filed by the petitioner herein, the authorities have caused the notice without affording an opportunity.
3. The learned counsel for the petitioner submitted that there was no survey conducted in the presence of the petitioner to claim that the petitioner has encroached 3 feet of the common pathway.
4. The learned Government Advocate appearing for the respondents submitted that the petitioner herein, alleging that one Mani, his



neighbour, has encroached the common pathway in S.No.465/2A1A1A, had filed WP.No.48891/2025. This Court, considering the prayer of the

WEB COPY

petitioner, directed the authorities to survey the land and remove the encroachment, if any. Accordingly, the authorities surveyed the land in the presence of the writ petitioner herein and others and found that the petitioner herein is in encroachment of 3 feet in the public pathway located in the aforesaid survey number. Similarly, the neighbour of the petitioner herein, namely, Mani, has encroached the pathway and obstructed it by putting an iron gate. Having found that the public pathway is being encroached and obstructed, notice has been issued to both the petitioner herein and his neighbour Mani.

5. Taking note of the above facts and the contents as found in the impugned notice dated 05.06.2026, we find that pursuant to the direction of this Court, the authorities have acted upon and had identified the portion encroached by the petitioner as well as his neighbour Mani. The petitioner herein has approached this Court for removal of encroachment by his neighbour Mani, cannot take a plea that the encroachment by his neighbour alone must be removed and not the encroachment made by him.
6. Since the authorities have surveyed the area and found encroachment and want to proceed pursuant to the order of this Court, we are unable to entertain this writ petition, since the prayer is contrary to his own earlier



writ petition and against the action taken by the authorities pursuant to the order of this Court.

WEB COPY

7. In the result, the writ petition stands ***dismissed at the admission stage itself***. No costs. Consequently, the connected miscellaneous petitions are closed.

**(G.J.,J.) (N.M.,J.)
24-06-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AP

To

1. THE COMMISSIONER of MUNICIPALITY
Ponneri Municipality Corporation,
Ponneri Thiruvallur District.
2. The Taluk Surveyor
Office of the Tahsildar Ponneri,
Tiruvallur District.



WEB COPY

WP No. 23607 of 2



**DR.G.JAYACHANDRAN J.
AND
N.MALA J.**

AP

**WP No. 23607 of 2026
AND
WMP NO. 25562 OF 2026,
WMP NO. 25563 OF 2026**

24-06-2026