

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.19638 of 2015

S. Nagarajan Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
2. The Assistant Zonal Officer,
Zone No.X,
Corporation of Chennai,
No. 117 N.S.K. Salai,
Kodambakkam, Chennai 600 024.
3. Mr. Raja @ Ramachandran Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of Mandamus directing the 1st and 2nd respondents to consider petitioner's representation dated 20.2.2015.

For petitioner : Mr.T.T. Ravichandran

For respondents : Mr. A. Nagarajan

O R D E R

(Order of the Court was made by SATISH K. AGNIHOTRI,J.)

With the consent of both parties, this writ petition is taken up for final disposal, at the admission stage itself.

2. By this petition, the petitioner seeks to settle his private dispute with the third respondent, on the basis that the third respondent, claiming to be a legal heir of late Mrs. Janaki Ramachandran, had started constructing a building on his property and as such, the Corporation be directed to consider his representation for demolition of the building as the building itself is unauthorised and unapproved. It is also stated that a dispute is pending on the file of this Court in C.S.No. 268 of 2012.

3. It is a trite law that no authority can be directed to consider and pass orders on a representation, without verifying as to whether any cause of action is involved therein or not.

4. In that view of the matter, the writ jurisdiction under Article 226 of the Constitution of India, cannot be invoked to settle the private disputes. There seems to be a dispute with regard to ownership of the property in question. If the property belongs to the petitioner, he is fully competent and entitled to obtain necessary orders from the Civil jurisdiction of this Court, wherein, the said civil suit is pending and take steps for demolition of the building in question. As such, we are not inclined to entertain this writ petition and give any direction.

5. Resultantly, this writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ra

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

WEB COPY

2. The Assistant Zonal Officer,
Zone No.X,
Corporation of Chennai,
No. 117 N.S.K. Salai,
Kodambakkam, Chennai 600 024.

+1cc to Mr.A.Nagarajan, Advocate sr.33603

W.P. No.19638 of 2015

ra[co]
srg 21.08.2015



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