

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.27522 of 2015

and

M.P. No.1 of 2015

Sultan Bee

... Petitioner

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Commissioner
Corporation of Chennai
Chennai - 3
3. Humaira Saleem
4. Abdul Wahab
5. Tahira Banu
6. Ali Mohammed
7. Hussaina Sahib
8. Mohammed Abdulla Asim

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to take action as against the illegal construction being put up at 336, T.T.K. Road, Diwan Sahib Garden, Royapettah, Chennai - 14 on the behest of respondents 3 to 8.

For petitioner : Mr. Avinash Wadhwani
for M/s. V. Raghavachari

For R1 : Mr. N. Sampath, Standing Counsel

For R2 : Mrs. Karthikaa Ashok,
Standing Counsel

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sampath, learned Standing Counsel, accepts notice for the first respondent. Mrs. Karthikaa Ashok, learned Standing Counsel, accepts notice for the second respondent. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner, stating to be the owner of the property at No.336, (Old Survey No.3268/New Survey No.1155), T.T.K. Road, Diwan Sahib Garden, Royapettah, Chennai 600 014, has preferred the instant writ petition, seeking a direction to respondents 1 and 2 to take action against respondents 3 to 8 from raising construction unauthorisedly without any approval or permission on the aforesated property owned by the petitioner.

3. The petitioner has filed a civil suit being O.S. No.3924 of 2015 on the file of the City Civil Court, Chennai, seeking permanent injunction against respondents 3 to 8, in respect of the same property.

4. In such view of the matter, without expressing any opinion qua ownership and title of the property in question and also the right of the parties over the property in question, we reserve liberty to the petitioner to make an appropriate application in the pending suit for further relief, if so advised. However, we make it clear that this order shall not preclude the respondents 1 and 2 from taking necessary action against the unauthorised building made thereon.

5. The writ petition stands disposed of with the above observations. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Commissioner
Corporation of Chennai
Chennai - 3

+1cc to Mr.N.Sampath, Advocate, S.R.No.47202
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.47140
+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.47085

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MG(CO)
CA(22/09/2015)

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