

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

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

W.P. No. 28448 of 2015

1. V.S.Krishna

2. V. Ratna Kumari

both are rep by
their Power of Attorney Holder
K.Prabhakar Naidu

Petitioners

Vs.

1 The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai.

2 The Regional Joint Commissioner,
Corporation of Chennai, Adyar,
Chennai-600 020.

3 Zonal Officer,
Zone XV, Division No.198,
Corporation of Chennai,
No.120 Rajiv Gandhi Salai (OMR)
Sholinganallur, Chennai-600 119.

4 Mrs.J.Amsaveni

5 Mrs.A.Sangeetha

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents 1 to 3 to demolish the unauthorized construction at Plot No.27, in Survey No.2/1B3A, part 1 (New Survey No.2/40) East coast Road, Panaiyur

Village, Sholinganallur Taluk, Chennai 600 119 within a time fixed.

For petitioners Mr.T. Karunakaran

For Respondents Mr. R. Arunmozhi - R1 to R3

ORDER

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

This writ petition is filed seeking a direction to respondents 1 to 3 to demolish the unauthorized construction at Plot No.27, in Survey No.2/1B3A, part 1 (New Survey No.2/40) East Coast Road, Panaiyur Village, Sholinganallur Taluk, Chennai 600 119.

2. The case of the petitioners is that the respondents 4 and 5 have trespassed into their property illegally and thereafter, started making illegal construction. It is also stated that the petitioners have obtained a decree of permanent injunction against them. Despite decree of permanent injunction, the respondents are constructing the building illegally on the petitioners' land. Thus, the petitioners have made a representation to the Corporation of Chennai for taking action against illegal construction allegedly raised by the respondents 4 and 5.

3. On a perusal of the documents, we find that the entire issue is in the nature of a private dispute. If the petitioners have obtained an order of permanent injunction restraining the respondents 4 and 5 from entering into their property, there is no possibility for respondents 4 and 5 to enter into the petitioners' property and to raise illegal construction. It is open to the petitioners to get the decree executed before the competent Court. Thus, we are not inclined to grant any direction in this regard.

4. Insofar as the alleged illegal construction made by respondents 4 and 5, it is for the authorities to examine the same and take consequential action. However, the question, which still remains, is as to whether the authorities can enter into the property belonging to the petitioners, which is in dispute. This will not stand in the way of the authorities in taking appropriate action as provided under the provisions of law.

This writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CSIII)

dt:30/9/2015

True Copy

Sub-Assistant Registrar

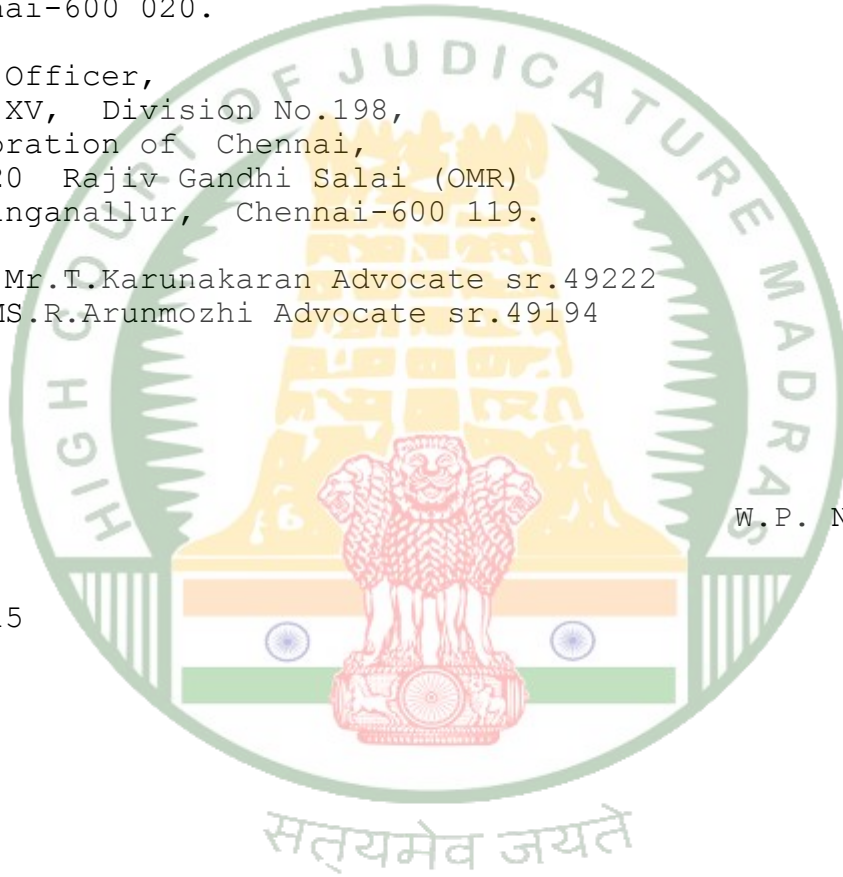
To

- 1 The Commissioner,
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+4 ccs to Mr.T.Karunakaran Advocate sr.49222
+1 cc to MS.R.Arunmozhi Advocate sr.49194

aa1/10/2015

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