

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

CORAM:

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

W.P. No.29379 of 2015
and
M.P. No.1 of 2015

Mrs. G. Shenbagavalli

... Petitioner

Vs.

- 1 The Directorate of Town and Country Planning, Opposite to LIC Chengalvarayan Building, Fourth Floor, 807 Anna Salai, Chennai-2
- 2 The Member Secretary (i/c) Kancheepuram Local Planning Authority, No.22/11 Vaikundaperumal Sannathi Street, Kancheepuram 631 501.
- 3 The Deputy Director of Town and Country Planning (I/c), Chengalpattu Region, 13 Varadharajar Street, Vedachalam Nagar, Chengalpattu 603 001.
- 4 The President Navalur Panchayat, Chengalpattu Taluk , Kancheepuram District.
- 5 The Member Secretary Mamallapuram Local Planning Authority,

124 G.S.T. Road,
Municipality Shopping Complex,
Chengalpattu.

6 Vijaya

7 Jayakumar

8 Bharani

9 Nagalakshmi

10 Krishnamurthy

11 Umamageshwaran

12 Mahalakshmi

13 Rathinam

14 Ambika

15 Doss

16 Devaraj

17 Sampath

18 Arumugam

19 M.A.H.Abubackkar

20 Ponnammal

21 P.Gopal

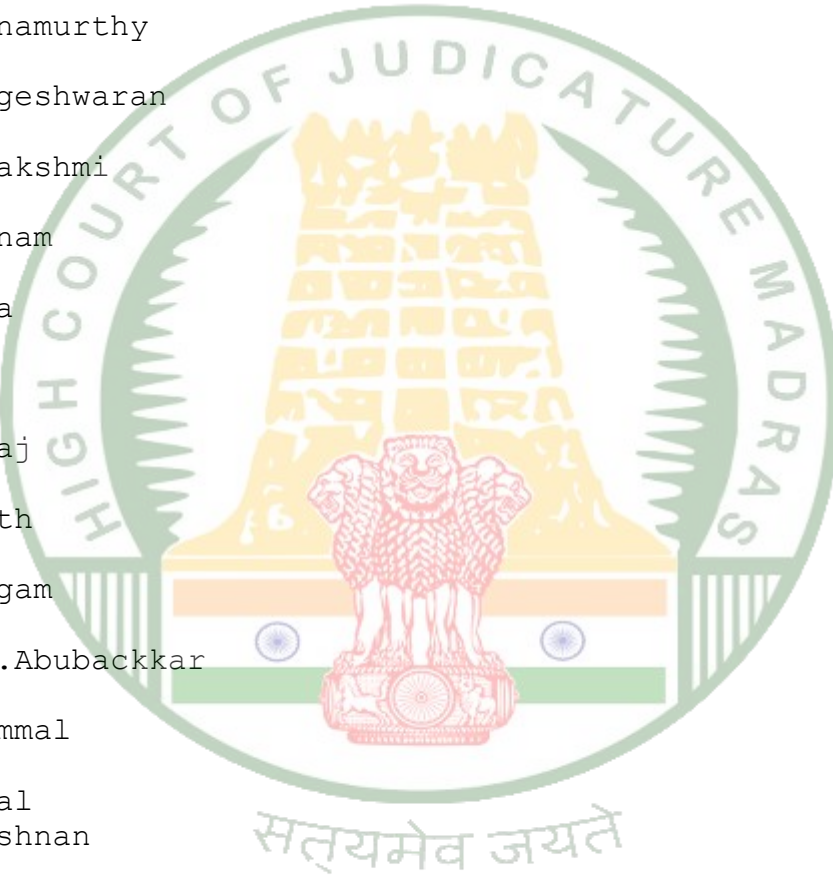
22 P.Krishnan

23 P.Arumugham

24 P.Kannan

25 P.Ravi

26 Mr.S.Saravanan
General Manager Operation,
M/s.Sai Care India (P) Ltd.,
NO.13 Ceebros Arcade, 2nd floor,
3rd Cross Street , Kasthuribai Nagar,
Adyar, Chennai-20



WEB COPY

27 The Managing Director
M/s.Sai Care India (P) Ltd. NO.13 Ceebros
Arcade (Ambika Appalam Complex) 2nd Floor
3rd Cross Street Kasthuribai Nagar Adyar
Chennai-20

28 Mr.S.Balasubramanian

29 Mr.S.Amar Naraya Reddy

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to demolish the entire construction made by the respondents 28 and 29 in the land measuring 1.24 acres comprised in survey No.43/1A Navalur Village, Chengalpet Taluk, Kancheepuram District.

For petitioner Mr. V. Bhiman
for
M/s. Sampathkumar & Associates

ORDER

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

This writ petition is filed seeking to issue a direction to the respondents 1 to 5 to demolish the entire construction made by the respondents 28 and 29 in the land measuring 1.24 acres comprised in survey No.43/1A Navalur Village, Chengalpet Taluk, Kancheepuram District.

2. Even according to the petitioner, the dispute in respect of the petition mentioned property in S.No.43/1A Navalur Village, Chengalpattu Taluk, Kancheepuram District, is pending consideration in O.S.No. 1693 of 1985 on the file of the XIII Assistant City Civil Court, Chennai.

3. The dispute involved herein is purely of private nature between the petitioner and the respondents 6 to 29 and the same is pending consideration before the competent Civil Court.

4. Be that as it may, it is well settled that the jurisdiction of the High Court under Article 226 of the Constitution of India is not available to the private disputes between the parties. Accordingly, this writ petition stands dismissed. However, it is made clear that this order will not preclude the authorities from making any inspection of the area in question and from taking necessary consequential action, if on inspection, it comes to light

that the alleged construction is illegal, unauthorised and unapproved. No costs. Connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar(co)

//True copy//

Sub Assistant Registrar

ra

To

- 1 The Directorate of Town and Country Planning, Opposite to LIC Chengalvarayan Building, Fourth Floor, 807 Anna Salai, Chennai-2
- 2 The Member Secretary (i/c) Kancheepuram Local Planning Authority, No.22/11 Vaikundaperumal Sannathi Street, Kancheepuram 631 501.
- 3 The Deputy Director of Town and Country Planning (I/c), Chengalpattu Region, 13 Varadharajar Street, Vedachalam Nagar, Chengalpattu 603 001.

+1 cc to Mr.V.Bhiman, Advocate(sr.51642)

+1 cc to The Government Pleader(sr.51555)

TS(co)
cp 08/10/2015

W.P. No.29379 of 2015

WEB COPY