

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2016

CORAM

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

W.P. No.11141 of 2016

Manimegalai @ Manimala

.. Petitioner

Vs.

1. The Assistant Commissioner,
Corporation of Chennai,
Zone - 13, Corporation of Chennai,
L.B.Road, Adyar, Chennai - 20.
2. The Executive Engineer,
Corporation of Chennai,
Zone - 13, Corporation of Chennai,
L.B.Road, Adyar, Chennai - 20.
3. The Assistant Engineer,
Corporation of Chennai,
Zone - 13, Corporation of Chennai,
L.B.Road, Adyar, Chennai - 20.

4. Panneer

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 14.03.2016 to issue stop construction notice and seal the unauthorised construction building constructed on the petitioner's land at Plot No.15, Door No.47, Aalkat Kupam, Besant Nagar, Chennai - 90.

For Petitioner .. Mr.S.Periasamy

ORDER

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

Notice to the respondents is dispensed with, at this stage, as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel appearing for the petitioner, the writ petition is taken up for final disposal at the admission stage.

2. Seeking a direction to respondents 1 to 3 to consider the petitioner's representation dated 14.03.2016, the present writ petition is filed.

3. According to the petitioner, the land in Plot No.15, Door No.47, Aalkat Kuppam, Besant Nagar, Chennai - 90, has devolved on her due to the demise of her father, who was allotted the same and she is in possession and enjoyment of the land in question. The allegation of the petitioner is that the fourth respondent and some third persons are trying to encroach her land and construct building thereon.

4. The dispute falls within the private domain. In such a situation, the writ jurisdiction cannot be invoked. The petitioner can take recourse to competent civil court for appropriate relief, if so advised.

5. With the aforesaid observation, the writ petition stands dismissed. No costs.

mmi

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Commissioner,
Corporation of Chennai,
Zone - 13, Corporation of Chennai,
L.B.Road, Adyar, Chennai - 20.
2. The Executive Engineer,
Corporation of Chennai,
Zone - 13, Corporation of Chennai,
L.B.Road, Adyar, Chennai - 20.
3. The Assistant Engineer,
Corporation of Chennai,
Zone - 13, Corporation of Chennai,
L.B.Road, Adyar, Chennai - 20.

+ 1 cc to M/s.S.Periasamy, Advocate SR 18642

+ 1 cc to Mr.R.Arulmozhi, Advocate SR 18654

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