

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.13541 of 2016

J. Sanjeevirayan

Petitioner

vs.

1 The Secretary
CMDA, Thalamuthu Nagarajan Building
Egmore, Chennai 600 008

2 The Commissioner
Corporation of Chennai
Ripon Buildings
Park Town, Chennai 600 003

3 The Zonal Officer
Zone 6
Corporation of Chennai
Anderson Street
Ayanavaram, Chennai 600 023

4 K. Rajakumari

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove illegal and unauthorised construction of the fourth respondent at Old No.9, New No.6, Subbarayan IV Street, IV Lane, Nammalwarpet, Chennai 600 012, for which the petitioner had sent representation on 27.02.2014 to the respondents 1 to 3.

For petitioner Mr. E. Vinothkumar

For R1 Mr. C. Johnson, Standing Counsel

For RR 2 & 3 Mr. V.C. Selvasekaran, Standing Counsel

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. C. Johnson, learned Standing Counsel, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 2 and 3.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to remove the illegal and unauthorised construction allegedly made by the fourth respondent at Old No.9, New No.6, Subbarayan IV Street, IV Lane, Nammalwarpet, Chennai 600 012, based on the petitioner's representation dated 27 February 2014 addressed to the respondents 1 to 3.

3 According to the petitioner, the fourth respondent, who is his sister, started to reside in his property by virtue of a release deed obtained fraudulently from him. When he demanded her to vacate the premises, she demolished the same and started putting up new construction sans planning permission. Hence, the petitioner's daughters filed a suit in O.S. No.1901 of 2013 on the file of the City Civil Court, Chennai, seeking partition, separate possession and permanent injunction. Pending the suit, the fourth respondent has almost completed the construction. Hence, the petitioner addressed a representation dated 27 February 2014 to the official respondents, seeking demolition of the illegal and unauthorised construction put up by the fourth respondent. Albeit the first respondent directed the Chennai Corporation to take necessary enforcement action against the property in question, the Chennai Corporation has not done the needful. Hence, the instant writ petition seeking the aforestated relief.

4 Concededly, the issue involved herein comes within the realm of a private dispute betwixt the petitioner and the fourth respondent, who are siblings. Furthermore, the dispute in respect of the property in question is pending consideration before the City Civil Court, Chennai in O.S. No.1901 of 2013.

5 In such view of the matter, we are afraid that we cannot entertain this writ petition, exercising extraordinary jurisdiction under Article 226 of the Constitution of India.

As a sequel, this writ petition is dismissed as not maintainable. No costs.

-s/d-

Assistant Registrar

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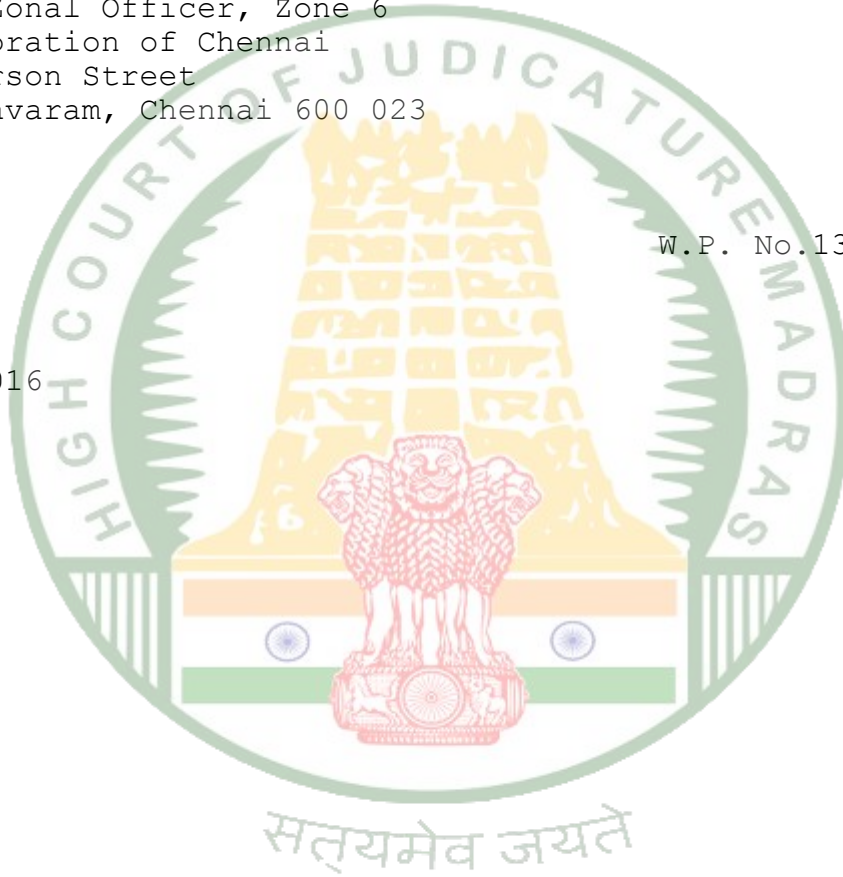
Sub-Assistant Registrar

To

- 1 The Secretary
CMDA
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- 2 The Commissioner
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