

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.15836 of 2016

V.Kavitha ... Petitioner

-vs-

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

2.Zonal Officer,
Corporation of Chennai,
Zone-3, Madhavaram,
Chennai-60.

3.Balamurugan ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to remove the unlawful construction of compound wall with iron gate and steps in front of the gate put up by the 3rd respondent in the dead end of the public road known as ''John Vasu Street Extension'' in Sree Nagar approved layout, Madhavaram Village, Thiruvallur District, within the time fixed by this Court.

For Petitioner : Mr.V.Rameshvel
For Respondents : Mr.K.Soundararajan for RR 1 & 2
: Mr.M.S.Soundara Rajan for R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks the relief against the private third respondent of removal of unlawful construction of compound wall with iron gate and steps in front of the gate in the public road of John Vasu Street Extension in Sree Nagar layout, Madhavaram village and on failure to do so, for the second respondent /

Corporation to do the needful.

2.The third respondent has filed a typed set of documents which shows that the petitioner has filed O.S.No.249 of 2014 in the Court of the District Munsif, Tiruvottriyur, making a prayer for mandatory injunction directing the third respondent as defendant to remove the obstruction of iron gate and steps made by him in front of the plaintiff's / petitioner's home in Sree Nagar John Vasu Street, in front of the suit property.

3.The aforesaid shows that in substance, the relief is the same and the most unfortunate part is that the petitioner does not even disclose in her petition that an earlier suit has been filed. Of course, the Corporation has not been impleaded as a party in the earlier suit.

4.Learned counsel for the Corporation further states that the compound wall is not on the public street.

5.We are of the view that the petitioner is clearly guilty of suppression of material facts and on that ground alone, the petition is liable to be dismissed apart from the fact of having already sought relief in the suit in which trial has to take place.

6.Writ petition is, accordingly, dismissed and we would have imposed exemplary costs on the petitioner but for the young member of the Bar appearing for the petitioner.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sra

To

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

WEB COPY

2.Zonal Officer,
Corporation of Chennai,
Zone-3, Madhavaram,
Chennai-60.

+1cc to Mr.K. Soundararajan, Advocate, S.R.No.65162
+1cc to Mr.V. Rameshvel, Advocate, S.R.No.64899
+1cc to M.S. Soundararajan, Advocate Sr.No.64702 (23/12/2016)

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md(21/11/2016)

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