

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.17304 of 2016

Dr.K.Sumitra

... Petitioner

-vs-

- 1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 600 003.
- 2.The Executive Engineer,
Enforcement - Region Central
Corporation of Chennai,
Regional Office - Central Zone VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai 600 030.
- 3.The Assistant Executive Engineer,
Corporation of Chennai, Zone-VIII,
Division-100, K-Block, Anna Nagar East,
Chennai 600 102.
- 4.The Junior Engineer (Assistant Engineer),
Corporation of Chennai, Zone-VIII,
Division-100, Anna Nagar, Chennai 600 040.

5.K.Vidhya

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 4 or anybody on their behalf initiate any action of locking, sealing and demolition against the 5th respondent and consequently restrain the 5th respondent from carrying out illegal construction in respect of property at New Door No.AJ-21, Part (eastern portion of New Door No.Aj-21), Old Door No.AJ-52 Part (Eastern portion of Old Door No.AJ-52), Plot

No.2614 (eastern portion of Plot No.2614), 4th Cross Street, 9th Main Road, Anna Nagar, Chennai 600 040 without the valid permission/ sanction therefore under the Chennai City Municipal Corporation Act.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.R.Arunmozhi for R-1
: Mr.C.Johnson for R-2
: Mr.P.L.Narayanan for RR 4 and 5

O R D E R

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

In a dispute between the two sisters being the petitioner and the fifth respondent, the municipal authorities are sought to be used as a tool to settle scores even though suits are pending inter se the parties for partition. The jurisdiction of this Court under Article 226 of the Constitution of India is not meant for this purpose.

2.We may note the submission of the learned counsel for the Corporation that the property has been inspected and plan approval had been obtained by the fifth respondent.

3.Writ petition is, accordingly, dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 600 003.

2.The Executive Engineer,
Enforcement - Region Central
Corporation of Chennai,
Regional Office - Central Zone VIII,
2nd Cross Street (East), Pulla Avenue,
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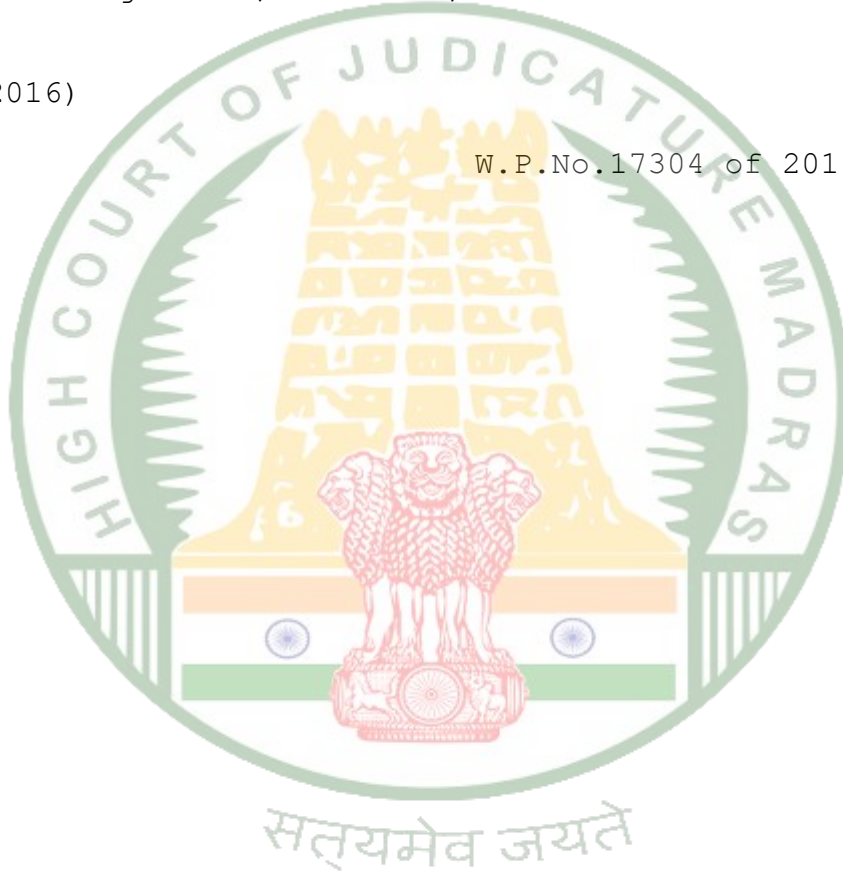
3.The Assistant Executive Engineer,
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Division-100, K-Block, Anna Nagar East,
Chennai 600 102.

4.The Junior Engineer (Assistant Engineer),
Corporation of Chennai, Zone-VIII,
Division-100, Anna Nagar, Chennai 600 040.

+lcc to Mr.K. Rajendran, Advocate, S.R.No.64542

trm(CO)
md(24/11/2016)

W.P.No.17304 of 2016



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