

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.22225 of 2016

1. P.Maharaja
2. S.Pathirapandy .. Petitioners

-vs-

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003

3. Regional Deputy Commissioner (Central)
Corporation of Chennai
No.368, 2nd Cross Street
Pulla Avenue, Shenoy Nagar
Chennai 600 030

4. The City Engineer
Corporation of Chennai
Rippon Buildings
Chennai 600 003

5. The Executive Engineer
Zone X
Corporation of Chennai
No.64, Kalaivanar Salai
Chennai 600 024

6. The Tahsildar
Mambalam-Guindy Taluk
Chennai 600 015

7. M.Sahaik Dawood
8. M.Usman Ali .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the third respondent letter dated 19.08.2015 under Reference No.Zo.X.C.No.A8/2473/ 2013 and quash the same as illegal and invalid and consequently direct the respondents 1 and 2 to forthwith demolish the illegal construction put up by the respondents 7 and 8 in the premises No.1, Ranganathan Street, facing Usman Road described as Door No.95, Usman Road, T.Nagar, Chennai 600 017.

For Petitioners:: Mr.Ashok Menon

For Respondents:: Mr.C.Johnson for R1
Mr.A.Nagarajan for R2 to R5
Mr.B.Anandan
Government Advocate for R6
Mr.AR.L.Sundaresan
Senior Counsel for
Mrs.AL.Ganthimathi for R7 & R8

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the parties.

2. It appears that the petitioners are tenants, who sought to initiate action against the respondents 7 & 8 alleging violation of development control regulations and forged documentation etc. However, the stand of the respondents 7 & 8 is that the decision on re-induction is only a subsequent event, if at all any order is to be passed by the Rent Control Court and not otherwise. Even such a provision is not available under the provisions of the Tamil Nadu Buildings (Lease & Rent Control) Act of 1960 amended later. But the stand of the respondents/authorities is that after proper verification, a decision is taken to permit.

3. It appears that the petitioners, being tenants and made to vacate from the premises, want to take a grudge against the respondents 7 & 8, on the ground of putting up the illegal construction and demolition etc. Such being the case, this petition is an abuse of process coming in the way of law and order or waging war in putting up the construction. Hence the

writ petition is dismissed. Consequently, W.M.P.Nos.18961 to 18963 of 2016 are also dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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+1 cc to Mr.AL.Gandhimathi Advocate sr.38857
+1 cc to Mr.C.Johnson Advocate sr.38721
+1 cc to Mr.A.Nagarajan Advocate sr.38652
+2 ccs to M/s.Ashok Menon Advocate sr.39020

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