

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.30963 of 2016
and
W.M.P.No.26833 of 2016

J.Jananapriyan Petitioner

Versus

- 1 The Member Secretary
Chennai Metropolitan Development Authority
(CMDA) Egmore Chennai-600 008.
- 2 The Commissioner
Corporation of Chennai
Ripon Buildings Chennai.
- 3 A.Balasundar Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st and 2nd respondents to perform their statutory duties assigned on them under the provisions of the Chennai City Municipal Corporation Act 1919, Chennai Metropolitan Development Control Rules & Development Regulations and Special Rules for Multi-storied & Public Buildings 1974 forthwith by considering the petitioner's statutory representation dated 06.08.2016 pending before them within the stipulated time.

For petitioner : Mr.P.I.Thirumoorthy

For R1 : Mr.K.Raja Shrinivas

For R2 : Mr.A.Nagarajan

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the 1st and 2nd respondents to perform their statutory duties assigned on them under the provisions of the Chennai City Municipal Corporation Act 1919, Chennai Metropolitan Development Control Rules & Development Regulations and Special Rules for Multi-storied & Public Buildings 1974 forthwith by considering the petitioner's statutory representation dated 06.08.2016 pending before them within the stipulated time.

3. The case of the writ petitioner is that he had entered into a tenancy agreement/lease agreement with the third respondent for the first floor and third floors and now he is aggrieved against the action of the third respondent in putting up some construction in the ground floor covering the parking area and hence, he had submitted a representation to the second respondent on 6.8.2016 and since there is no response for the same, the present writ petition has been filed.

4. It appears that the writ petitioner, being a tenant of the third respondent herein, had already initiated proceedings in O.S.No.3571 of 2016, on the file of the XIII Assistant Judge, City Civil Court, Chennai, in the name of an Education Trust which is alleged to have been conducted by him. The interim application viz., I.A.No.8820 of 2016 in O.S.No.3571 of 2016 filed by the said Trust as against the third respondent herein was dismissed and C.M.A.No.71 of 2016 preferred, against such dismissal, before the VII Additional Sessions Court, Chennai, was also dismissed. Therefore, having failed in his attempts to prevent the third respondent by obtaining any order from the Civil Courts, the writ petition has come forward with the present writ petition, which is nothing but an abuse of process of court, especially when the order passed by the civil court is an appealable order. Hence, the writ petition is dismissed. No costs. The connected miscellaneous petition is closed.

सत्यमेव जयते
sd/-

Assistant Registrar(CS VI)

//True Copy//

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Sub Assistant Registrar

+1cc to Mr.P.I.Thirumoorthy, Advocate sr.50878
+1cc to Mr.K.Rajashirinivas, Advocate sr.50733
+1cc to Mr.A.Nagarajan, Advocate Sr.51313

W.P.No.30963 of 2016

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srg 06/10/2016