

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM :

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.29652 of 2013

&

M.P.No.1/2013

D.Natarajan

... Petitioner

-vs-

- 1.The District Collector,
Tiruvallore District,
Tiruvallore.
- 2.The Tahsildar,
Poonamallee Taluk,
Ponnamallee, Chennai 600 056.
- 3.The Commissioner,
Avadi Municipality,
Avadi, Chennai 600 054.
- 4.The Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Secretariat Branch, Chennai 600 002.
- 5.The Assistant Engineer,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Pattabiram, Chennai 600 072.
- 6.The Junior Engineer,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Pattabiram, Chennai 600 072.

7.P.Shanmugam

8.S.Thulasidas

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 3 to demolish the unauthorised construction at Door No.531, M.T.H.Road, Pattabiram, Chennai 600 072 and for suitable action against the respondents 7 and 8 as per law.

For Petitioner : Mr.P.Selvaraj
For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader for RR 1 to 3
: Mr.Bharath Chakravarthy
for Sai Bharath Ilan Asso./RR 7 & 8
: Mr.P.R.Dillipkumar for RR 4 to 6

O R D E R

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

Learned counsel for private respondents 7 and 8 submits that the petitioner is eighth respondent's son and a suit for partition has already been filed by the sister, in which the brothers are arrayed as parties. The petitioner is also a party to the suit while supporting the original plaintiff. The property in question is mentioned in the schedule of property. A copy of the plaint has been produced before us and the property in question is in schedule 'c'.

2.We, thus, find that a colour of public interest litigation is sought to be given by the petitioner to settle scores arising from a suit pending inter se the parties qua various properties including the property in question. To permit the petitioner to agitate the grievance through a public interest litigation, albeit there being some order of demolition, would be permitting an abuse of process of Court. The factum of the earlier proceedings have not even been disclosed by the petitioner, as the learned counsel states that he was never informed of the same.

3.Writ petition is dismissed with costs of Rs.5,000/- payable by the petitioner to the 7th and 8th respondents within fifteen (15) days from today. Consequently, Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

sra

To

- 1.The District Collector, Tiruvallore District, Tiruvallore.
- 2.The Tahsildar, Poonamallee Taluk, Poonamallee, Chennai 600 056.
- 3.The Commissioner, Avadi Municipality, Avadi, Chennai 600 054.
- 4.The Tamil Nadu Generation and Distribution Corporation (TANGEDCO), Secretariat Branch, Chennai 600 002.
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- 6.The Junior Engineer, Tamil Nadu Generation and Distribution Corporation (TANGEDCO), Pattabiram, Chennai 600 072.

1 cc to Government Pleader, High court, Madras Sr36908

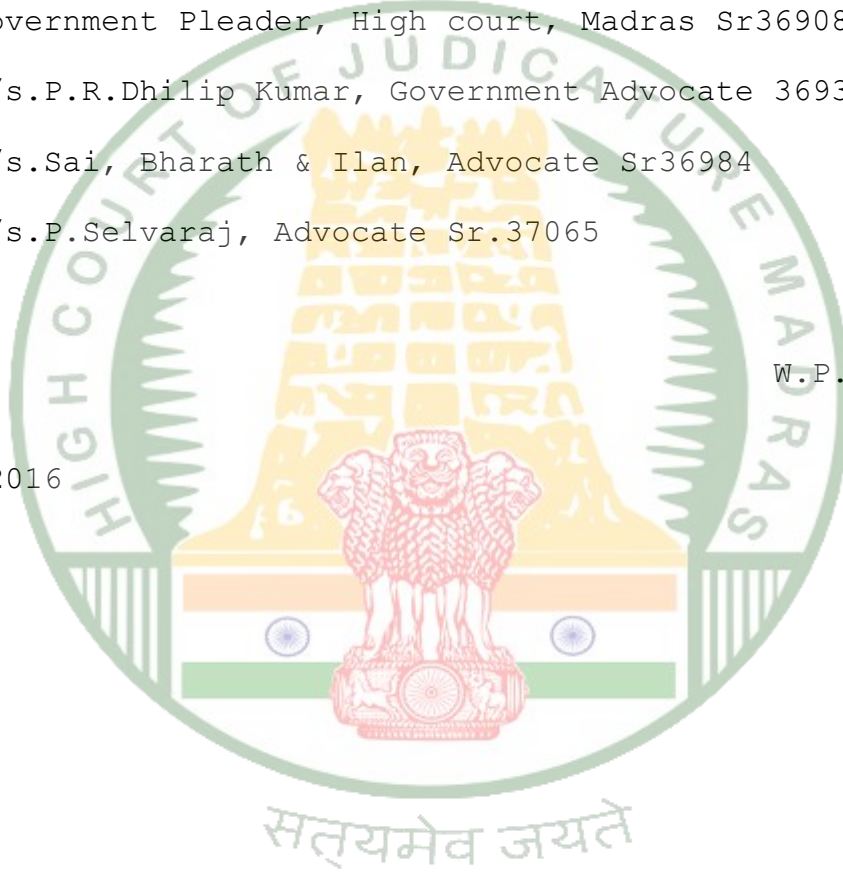
1 cc to M/s.P.R.Dhilip Kumar, Government Advocate 36933

1 cc to M/s.Sai, Bharath & Ilan, Advocate Sr36984

1 cc to M/s.P.Selvaraj, Advocate Sr.37065

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pmk.23.7.2016



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