

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.5730 of 2016

S.M. Shireen Sulthana

..Petitioner

Vs.

1. The Chairman and Member Secretary  
CMDA, Thalamuthu Natarajan Building  
Egmore, Chennai 600 008
2. The Commissioner  
Corporation of Chennai  
Ripon Building, Chennai 600 003
3. S.M. Raiz Ahamed ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the respondents 1 and 2 to consider and dispose of the representation dated 15.12.2015, to stop unauthorised and illegal construction of the third respondent being carried out at ground floor, second floor and terrace of the second floor in the building premises bearing Door No.130/82 (Sait Beedi Lane), Near ESI Hospital, Jamalia, Perambur High Road, Chennai - 600 012.

For Petitioner : Mr. S. Xavier Felix

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 15 December 2015 and stop unauthorised and illegal construction of the third respondent being carried out at ground floor, second floor and terrace of the second floor in the building premises bearing Door No.130/82 (Sait Beedi Lane), Near ESI Hospital, Jamalia, Perambur High Road, Chennai - 600 012.

2. At the threshold, it is worth pointing out that the petitioner and the third respondent, who are siblings, are residing in the same building and there is a dispute qua partition. According to the petitioner, she has obtained preliminary decree in O.S. No.6258 of 2008 on 13 April 2015 by

the order of the IV Assistant City Civil Court, Chennai. Thus, the issue involved herein comes within the realm of a private dispute betwixt the petitioner and the third respondent. In such view of the matter, the appropriate forum, to lay at rest, the controversy between the petitioner and the third respondent, is the competent Civil Court and not the High Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution of India.

As a sequel, this writ petition is dismissed as not maintainable.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

1. The Chairman and Member Secretary,  
CMDA, Thalamuthu Natarajan Building,  
Egmore, Chennai 600 008.
2. The Commissioner,  
Corporation of Chennai,  
Ripon Building,  
Chennai 600 003.

+ 1 cc to Mr.S. Xavier Felix, Advocate SR 10404

W.P. No.5730 of 2016

TEJ (CO)  
KR/24/2/16

सत्यमेव जयते

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