

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:18.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5855 of 2016

and

WMP No.5202 of 2016

P.James

.. Petitioner

-Versus-

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

2. The Assistant Engineer,
Corporation of Chennai,
Old Zone - IV, Division No.63,
Now at present New Zone - VIII,
New Division No.94, Rajamangalam,
Villivakkam, Chennai - 600 049

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents from laying road in Survey No/24/1, Block No.9, T.S.No.125 and 126 of Kolathur Village, Purasaiwalkam - Perambur Taluk, Chennai to an extent of 22 cents under except due process of law.

For Petitioner : Mr.M.V.Muralidaran

For Respondents : Mr.P.V.Selvakumar (for R1 and R2)
Standing Counsel for
Chennai Corporation.

ORDER

Heard Mr.M.V.Muralidaran, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Standing counsel, after accepting notice on behalf of the respondents. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. The petitioner has filed this writ petition praying for a writ of mandamus, forbearing the respondents from laying road in Survey No/24/1, Block No.9, T.S.No.125 and 126 of Kolathur Village, Purasaiwalkam - Perambur Taluk, Chennai.

3. There has been a civil litigation between the parties in which both the Collector of Chennai as well as the Commissioner, Corporation of Chennai and officials of the Corporation were parties. Ultimately, the matter has come up to this Court by way of second appeal in S.A.Nos.1245 to 1248 of 2010. The appellant in S.A.No.1245 of 2010, is one J.Jhansi Rani and the appellant in S.A.1246 of 2010, is one C.Rajamohan. The said J.Jhansi Rani, is none other than the petitioner's wife. The parties appeared before the Court in the Second Appeal and contested the interlocutory application, wherein an order of status quo was granted on 07.10.2010, by which the respondents including the Corporation of Chennai were prevented from laying the road in question. The Court elaborately heard the parties and by final order in the Interlocutory Application dated 19.12.2014, vacated the order of status quo.

4. Thus, as on date, the order of status quo obtained by the petitioner's wife has been vacated and there is no prohibition for the respondent Corporation to form the road in question. After having suffered an order, now, the present writ petition has been filed by the husband of the appellant J.Jhansi Rani. This in my view, is a clear abuse of process of law and the writ petition cannot be entertained. Accordingly, the writ petition fails and it is dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.
ars

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Commissioner,
Corporation of Chennai, Rippon Buildings,
Chennai - 600 003.

2. The Assistant Engineer,
Corporation of Chennai,
Old Zone - IV, Division No.63,
Now at present New Zone - VIII,
New Division No.94,
Rajamangalam, Villivakkam,
Chennai - 600 049.

+ 2 ccs to R.Ramanlal, Advocate Sr 10520
+ 1 cc to Mr.M.V.Muralidaran, Advocate Sr 10342

KR/3/3/16