

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.7048 of 2016

S.Padmanaban

... Petitioner

Versus

1. The District Collector,
Chennai Collectorate,
Chennai-1.
2. The Tahsildar,
Tondiarpet Taluk,
Chennai-81.
3. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-3.
4. Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.
5. S.Senathipathy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent for disposal of the petitioner's representation dated 24.11.2015 for ascertaining the premises at 6/17, Kappal Polu Street, Chennai-21 and filing appropriate report.

For Petitioner : Mr.T.R.Ravi

For RR1 & 2 : Mr.R.Rajeswaran,
Special Government Pleader

For R3 : Mr.P.V.Selvakumar

For R4 : Mr.M.Karthikeyan

ORDER

Heard the learned counsel for the petitioner ; Mr.R.Rajeswaran, learned Special Government Pleader accepting notice on behalf of the respondents 1 and 2 ; Mr.P.V.Selvakumar, learned Standing counsel accepting notice on behalf of the 3rd respondent and Mr.M.Karthikeyan, learned counsel accepting notice on behalf of the 4th respondent and with their consent, the writ petition is taken up for final disposal at the admission stage.

2. The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondent for disposal of his representation dated 24.11.2015. In the said representation, the petitioner has addressed the respondents 1 to 4 as well as the 5th respondent, who appears to be none other than the brother of the petitioner and has stated that he has been appointed as Receiver in respect of the property in question pursuant to the orders in OA.No.460/2003 in CS.No.328/2003 dated 19.11.2003. From the allegations made in the representation, it is seen that the petitioner seeks for obtaining of a demolition order from the Corporation of Chennai. It is admitted by the petitioner that the 5th respondent is also residing in the said premises. But it is the contention of the petitioner that certain portions of the property are in dilapidated condition.

3. Learned counsel for the respondent submitted that earlier, the petitioner had approached this Court and filed WP.No.4424/2005 for a direction to grant new service connection for the premises which he claim to be in occupation. The said writ petition was disposed of by this Court vide order dated 11.02.2005 observing that lawful possession of the petitioner cannot be doubted. Therefore, separate electricity connection can be granted in his name subject to the terms and conditions as per the relevant Regulation. Learned counsel submitted that similar direction can be issued in this writ petition also by directing the authorities to inspect the property and submit a report.

4. In my view, the prayer sought for by the petitioner is misconceived as the petitioner is residing in the property under the capacity of the Court appointed Receiver and the petitioner's own admission is that the 5th respondent is also residing in a portion of that property. Therefore, the proper procedure to be followed is to file appropriate application in the pending civil suit stating about the condition of the building and take the leave of the Court in the presence of the

defendants as well as the officials who may be impleaded in such application. Therefore, at this juncture, the question of directing the authorities to consider the petitioner's representation dated 24.11.2015 does not arise.

5. Accordingly, the writ petition is dismissed. No costs. However, this will not prevent the petitioner from moving appropriate application in the pending suit.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector,
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3. The Commissioner,
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Ripon Buildings,
Chennai-3.
4. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.12357
+1cc to Mr.T.R.Ravi, Advocate, S.R.No.12285
+1cc to the Government Pleader, S.R.No.12568

W.P.No.7048 of 2016

SKV(CO)
CA(08/03/2016)