

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.21711/2017

&

WMP.No.22706/2017

R.Chandramohan

Petitioner

Versus

- 1.The Commissioner
Corporation of Chennai
Chennai 600003.
- 2.The Regional Deputy Commissioner
[Central], Zone VIII, Corporation of
Chennai, Pulla Avenue, Thiru.Vi.Ka.
Park, Shenoy Nagar, Chennai 600 030.
- 3.The Zonal Officer,
Zone VIII, Corporation of
Chennai, Pulla Avenue, Thiru.Vi.Ka.
Park, Shenoy Nagar, Chennai 600 030.
- 4.The Executive Engineer
Zone VIII, Corporation of
Chennai, Pulla Avenue, Thiru.Vi.Ka.
Park, Shenoy Nagar, Chennai 600 030.
- 5.M/s.Thaika Nubail Trust,
rep.by its Power Agent,
M/s.United Investment Corporation
No.4, Moores Road, Chennai 600 006.
- 6.The Inspector of Police
Law and Order, G1, Vepery Police Station
Vepery, Chennai 600 007.

7.The Assistant Commissioner of Police
G1 Vepery Police Station
Vepery, Chennai 600007.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to demolish the construction obstructing the customers coming by car and two wheeler from the main entrance to Door No.226, from Purasawakkam High Road with Police protection within a time frame to be fixed by this Court.

For Petitioner : Mr.Elephant G.Rajendran
For R1 to 4 : Mr.V.C.Selvasekaran
For RR 6&7 : Mr.R.Vijayakumar, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal.Mr.V.C.Selvasekaran, learned Standing counsel accepts notice on behalf of the respondents 1 to 4 and Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 6 and 7.

2 The grievance expressed by the petitioner is that despite the orders dated 26.10.2016 and 15.02.2017 made in WP.Nos.37531/2016 and 3737/2017 respectively, the 5th respondent, in utter violation of the above cited orders and the relevant norms and regulations, started putting up construction and thereby, blocking the access of the petitioner to the common area and since he is urgently proceeding with the construction, the petitioner is constrained to approach this Court by filing the present writ petition.

3 This Court after going through the typed set of documents, is prima facie of the view that the order dated 26.10.2016 made in WP.No.37531/2016 filed by the very same petitioner against some of the respondents, takes care of the same. In fact the petitioner filed one more writ petition in WP.No.3737/2017 against some of the respondents herein, praying for issuance of a writ of mandamus, directing them to remove the iron gate and other illegal construction obstructing the customers coming from the main entrance at No.226, Purasawakkam High Road, by car and two wheeler, with police protection within the stipulated time frame and the said writ petition was disposed of on 15.02.2017, by observing that the earlier order dated 26.10.2016 made in WP.No.37531/2016 is comprehensive and

the Executive Engineer, Zone-III, Corporation of Chennai, Chennai-30, was also directed to ensure that no illegality has been committed.

4 In the light of the said orders, the remedy open to the petitioner, if any and if he is so advised, is to invoke the contempt jurisdiction of this Court and as such, the writ petition is not maintainable at present.

5 Accordingly, the petitioner, if so advised, is at liberty to invoke the contempt jurisdiction of this Court by filing appropriate application.

11 The writ petition stands dismissed at the admission stage itself subject to the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

AP

To

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Vepery, Chennai 600007.

+2cc to Mr.Elephant G.Rajendran, Advocate in sr.no.58470

WP.No.21711/2017

SCD(CO)
NR 18/08/2017



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