

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.06.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.48714 of 2006

S.Sridevi

... Petitioner

Vs.

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

2.The Assistant Law Officer,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

3.The Assistant Engineer,
Corporation of Chennai,
Corporation Division No.153,
Velachery, Chennai 600 042.

4.G.R.Srinivasan

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to demolish the unauthorised construction put up by the fourth respondent on part of the land at No.31/7, Telugu Brahmin Street, Velachery, Chennai 600 042 and restore the same to its original position.

For Petitioner : Mr.S.Mohana Sundarajan

For Respondents: Mr.E.R.K.Moorthy for R1 to R3
Mr.S.Balasubramanian for R4

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O R D E R

The petitioner has filed this writ petition seeking a direction to respondents 1 to 3 to demolish the unauthorised construction put up by the fourth respondent on part of the land at No.31/7, Telugu Brahmin Street, Velachery, Chennai 600 042 and restore the same

2.The case of the petitioner is that the fourth respondent is her brother and there was a family dispute with regard to the

above said property situated at No.31/7, Telugu Brahmin Street, Velachery, Chennai 600 042. One of the brothers of the petitioner filed a partition suit in O.S. No.8632 of 2005 which is pending on the file of VI Assistant Judge, City Civil Court, Chennai. The petitioner sent a representation on 03.02.2006 to the first respondent seeking demolition of the illegal construction put up by her own brother and restore the same to its original position. Finding no response, she is before this Court.

3.Admittedly, the Civil Suit is pending. If at all any illegal construction put up by the brother of the petitioner, it is for respondents 1 to 3 to take action for stoppage of the unauthorised construction.

4.The present writ petition is filed to settle the grievance against her own brother. I do not find any merit to grant relief to the petitioner. Accordingly, this petition is dismissed. It is open to the petitioner to work out her remedy before the competent Civil Court. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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

2.The Assistant Law Officer,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

3.The Assistant Engineer,
Corporation of Chennai,
Corporation Division No.153,
Velachery, Chennai 600 042.

+1cc to M/s.A.Karthika Ashok, Advocate Sr.No.34751

AK(CO)

sm:14.6.2018

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