

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM :

The Hon'ble Dr.VINEET KOTHARI, ACTING CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

W.P. No.28033 of 2019

and W.M.P.No.27651 of 2019

Arulmigu Thiruvalléeswarar Thirukoil
Rep. by its Executive Officer,
Padi, Chennai 600 050. ... Petitioner

-vs-

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

2.The Assistant Engineer,
Zone Vii, Corporation of Chennai,
Ambattur, Chennai 600 053.

3.Thulakanammal

4.Rajan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 and 2 to take action based on the representation dated 12.03.2019 in respect of the unauthorized construction by the 4th respondent on land measuring 2040 sq.ft. comprised in Survey no.295, bearing Door No.43, Amman Kovil Street, Devar Nagar, Padi, Chennai 600 050, pending disposal of the above writ petition.

For Petitioner : Mr.Sriram for
M/s.A.S.Kailasam Associates

For Respondents : Dr.C.Ravichandran
Stdg. Counsel for RR 1 and 2

O R D E R

(Order of the Court was made by The Hon'ble Acting Chief Justice)

The petitioner, Arulmighu Thiruvalléeswarar Thirukoil, has filed this writ petition in this Court complaining against the

alleged unauthorised construction being raised by respondent No.4 - Rajan.

2.The learned counsel for the petitioner submits that though the petitioner-Temple has filed a civil suit in O.S.No.122 of 2019 in the Court of District Munsif at Ambattur, but since the Corporation of Chennai is not a defendant in the said civil Suit, the private respondent nos.3 and 4 (M/s.Thulakanammal, residing at No.43, Amman Kovil Street, Devar Nagar, Padi, Chennai 600 050 and M/s.Rajan, residing at No.43, Amman Kovil Street, Devar Nagar, Padi, Chennai 600 050), who are raising construction on the land in question encroaching the petitioner-Temple's land should be injuncted and refrained from raising any construction there.

3.Dr.C.Ravichandran, learned Standing Counsel, appears on behalf of respondents 1 and 2 - Corporation of Chennai.

4.Heard the learned counsels for both sides.

5.We are of the opinion that since the petitioner has already availed the remedy of the civil suit, the petitioner should pray for additional reliefs as claimed in the present writ petition in the said suit only. If necessary, the Corporation of Chennai can be impleaded in the aforesaid civil suit by filing an amendment application and in case, any such amendment application is filed, the trial Court shall consider the same and pass appropriate orders thereon.

With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.27651 of 2019 is closed.

sra

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 Engineer,
Zone Vii, Corporation of Chennai,
Ambattur, Chennai 600 053.

+1cc to Dr.C.Ravichandran, Advocate, SR.No.81375
+1cc to M/s.A.S.Kailasam & Associates , Advocate, SR.No.81438

W.P.No.28033 of 2019

Kak(04/11/2019)



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