

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.19224 of 2018

E.Palani

.. Petitioner

Vs

- 1 The Principal Secretary to Government
Municipal Administration & Welfare Department
Fort St. George
Chennai - 600 009.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Thalamuthu Nadar Maligai
Egmore, Chennai-600 003.
- 3 The Collector
Chennai District
Chennai - 600 001.
- 4 The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai - 600 003.
- 5 The Regional Deputy Commissioner
Greater Chennai Corporation, Zone-V
Basin Bridge Road
Chennai-600 021.
- 6 The Tahsildar
Tondiarpet Taluk
Chennai - 600 021.
- 7 The Sub-Registrar
Royapuram
Chennai - 600 013.

- 8 The Zonal Officer
Greater Chennai Corporation Zone-IV
Tondiarpet, Thiruvotriyur High Road
Chennai - 600 021.
- 9 The Executive Engineer
Greater Chennai Corporation Zone-IV
Tondiarpet, Thiruvotriyur High Road
Chennai - 600 021.
- 10 The Revenue Officer, Zone-4
Tondiarpet, Thiruvotriyur High Road
Chennai - 600 021.
- 11 The Revenue Inspector
Tahsildar Office, Tondiarpet Taluk
Tondiarpet
Chennai - 600 021.
- 12 The Junior Engiener
Tamilnadu Electricity Board-TANGEDCO (North)
R.K.Nagar, Appasamy Street
Old Washermenpet, Chennai - 600 021.
- 13 The Junior Engineer
Ward-47, Water Supply and Sewarage Board
J.J.Nagar, Korukkupettai
Chennai - 600 021.
- 14 Hemavathy .. Respondents

PRAYER:

Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents, in particular the respondents 2 and 4 herein to initiate action on the petitioner's representation dated 22.02.2018 for demolition of the building situated at No.42/02 Muniappa Mudali Street Corner (Junction), Dharmaraja Koil Street, Chennai - 600 021 in accordance with law.

For Petitioner : Mr.E.Palani
Party-in-person

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1,3,6,7 and
11

Mr.Karthik Rajan
for 2nd respondent

Mr.R.Arunmozhi
for respondents 4, 5, 8, 9 and
10

Mr.K.Seetharam
for 14th respondent

No appearance
for respondents 12 and 13

ORDER

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

Heard Mr.E.Palani, petitioner appearing in person;
Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.)
appearing for respondents 1, 3, 6, 7 and 11; Mr.Karthik Rajan,
learned counsel for the second respondent; Mr.R.Arunmozhi,
learned counsel for respondents 4, 5, 8, 9 and 10; and
Mr.K.Seetharam, learned counsel for the fourteenth respondent.

2. The petitioner is seeking directions to respondents 2 and
4 to initiate action on the petitioner's representation dated
22.2.2018 for demolition of the building situated at No.42/02
Muniappa Mudali Street Corner (Junction), Dharmaraja Koil
Street, Chennai - 600 021, in accordance with law. According
to the petitioner, the structure is put up by the fourteenth
respondent and it is unauthorised.

3. The learned counsel for the respondent Corporation has
tendered his affidavit, wherein it is stated that the Tahsildar,
Tondiarpet Taluk has sent a reply enclosing the extract from the
Town Survey Land Register stating that the land at Block No.34,
Survey No.1909/Part has been classified as Ryotwari in adangal
and mentioned as Corporation private land. It is further stated
that action has been initiated against the fourteenth respondent
by issuing a notice dated 28.3.2018 under Section 220 read with
Section 222 of the Chennai City Municipal Corporation Act IV of
1919. It is further stated that on receipt of the said notice,
the fourteenth respondent has sent a reply duly enclosing an
order dated 21.8.2012 passed in O.S.No.330 of 2011 granting
permanent injunction against the Area Engineer, Metropolitan

Water Supply Department, the relevant portion of which reads as under:

"... that the defendants or their men or anybody else through them be and are hereby restrained by granting permanent injunction from interfering or disturbing plaintiff's peaceful possession and enjoyment of the suit property without due process of law..."

4. It is stated that further action against the fourteenth respondent will be taken after receipt of reply from the Sub Registrar, Royapuram.

5. Thus, it is seen that the authorities are taking action in relation to the structure put up by the fourteenth respondent.

6. In view of the above, no further orders are necessary at this stage. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.22621 of 2018 is closed.

Sd/-

Assistant Registrar(I Cell)

//True Copy//

Sub Assistant Registrar

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To:

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Chennai - 600 021.

+1cc to Mr.K.Seetharam, Advocate, S.R.No.31900
+1cc to Mr.Karthik Rajan, Advocate, S.R.No.31987
+1cc to the Government Pleader, S.R.No.31303
+1cc to Mr.E.Palani, Party in person sr.30938(09/7/2019)

W.P.No.19224 of 2018

VBA (CO)
CS/25/04/2019