

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11044 of 2020

R.Prasad Rao

...Petitioner

-Vs-

1. The Commissioner,
Greater Chennai City Corporation,
Rippon Building Chennai - 600 003.

2. The Dy.Commissioner(North Chennai),
Greater Chennai City Corporation,
No.61 Basin Bridge Road,
Chennai - 600 021.

3. Zonal Officer, Zone - 5,
Greater Chennai Corporation,
No.61 Basin Bridge Road,
Chennai - 600 021.

4. Mrs. Suganya,
W/o.Jagadeeswara Rao,
No.2, Chidambaranathan Street,
Anjaneya Nagar,
Royapuram, Chennai - 600 013.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of directing 2nd and 3rd Respondent to remove the unauthorized structure construction made by the 4th respondent in the public pathway a lane existed in Chidambaranathan Street Royapuram Chennai - 600 013 and retain to its original pathway.

For Petitioner : Mr.M.L.Ravi

For Respondents : Mrs.Karthika Ashok,
Standing Counsel - for RR 1-3

O R D E R

This Writ Petition has been filed for a Writ of Mandamus directing the second and third respondents to remove the unauthorised structure that is said to have been put up by the fourth respondent in a public pathway.

2. Heard Mr.M.L.Ravi, learned counsel for the petitioner and Mrs.Karthika Ashok, learned Standing Counsel for the respondent Corporation.

3. It is seen from the records that there is already a dispute between the petitioner and the fourth respondent and a suit is pending before the IV Assistant City Civil Court, Chennai in O.S.No.5319 of 2019. In the said suit, the fourth respondent has sought for the relief of permanent injunction against the petitioner. Therefore, it is clear that there is an on-going dispute between the petitioner and the fourth respondent. The petitioner also seems to be parallely taking steps before the concerned authority against the fourth respondent on the alleged ground that the fourth respondent has put up a structure in the common pathway.

4. In the considered view of this Court, this Court will never allow anyone to use the writ jurisdiction under Article 226 of the Constitution of India to ventilate their personal grievance. If the fourth respondent has encroached upon a public pathway, the Corporation will take care of it and they will proceed in the manner known to law. The petitioner cannot be allowed to expedite the same, more particularly since the suit between the petitioner and the fourth respondent is pending before the concerned Court. This Court must be very slow in exercising its jurisdiction under Article 226 of the Constitution of India, when particularly this Court is able to see that there is a private dispute that is going on between the petitioner and the fourth respondent.

5. In view of the above, this Court is not inclined to entertain this Writ Petition and accordingly the same is dismissed. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

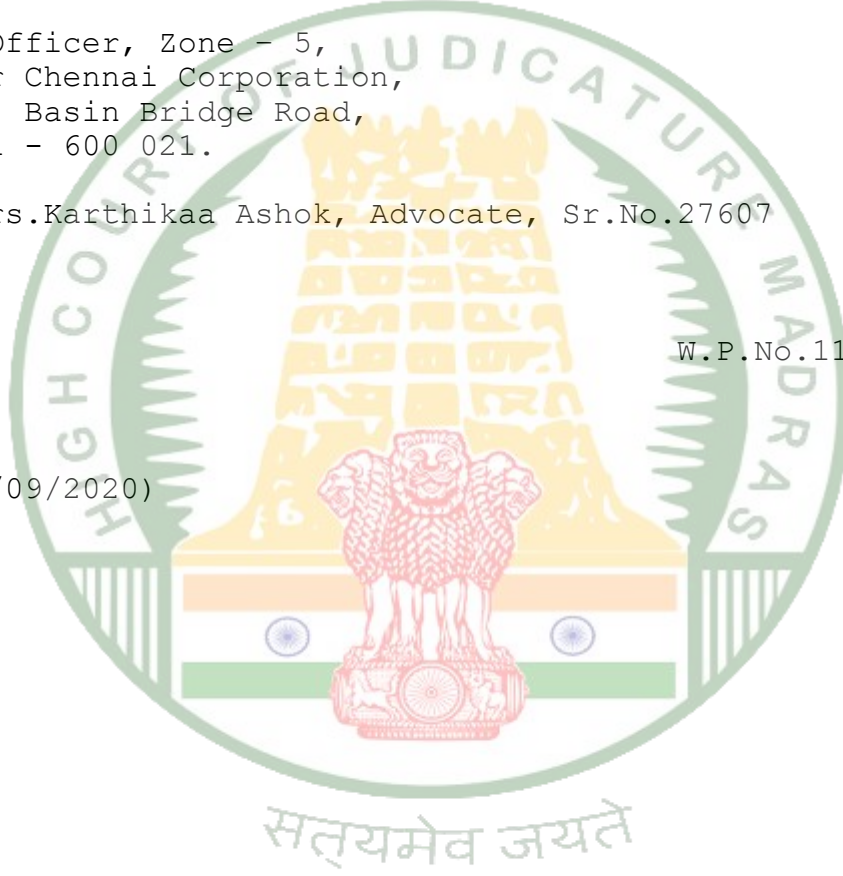
To

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+lcc to Mrs.Karthikaa Ashok, Advocate, Sr.No.27607

W.P.No.11044 of 2020

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