



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2021

CORAM:

THE HON'BLE Dr. JUSTICE ANITA SUMANTH  
AND  
THE HON'BLE Mr. JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No.11755 of 2021  
and  
WMP No.12518 of 2021

S.Manikandan

... Petitioner

versus

1.The Commissioner,  
Greater Chennai Corporation Rippon Buildings,  
The Zonal Officer,  
Greater Chennai Corporation Zonal Office - 06,  
No.5, Anderson Road, Ayanavaram,  
Chennai - 600 023.

2.The Zonal Officer,  
Greater Chennai Corporation Zonal Office - 06,  
No.5, Anderson Road,  
Ayanavaram,  
Chennai - 600 023.

3.C.Rajeswari  
4.Theagarajan  
5.Dhanasekaran  
6.Mohanraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the first and second respondents to demolish the illegal construction put up by the 3<sup>rd</sup> to 6<sup>th</sup> respondents in the common passage measuring 51 sq.ft (3 feet x 17 feet) out of 210 sq.ft (3 feet x 70 feet) of Eastern side of Venkadathri Street, Kosapet, Purasawalkam Village, comprised in R.S.No.2673, Chennai District based on the petitioner's representation dated 25.10.2020.

|                  |                                        |
|------------------|----------------------------------------|
| For Petitioner : | Mr.R.Sreedhar                          |
| For R1 & R2 :    | Mr.K.Raja Srinivas<br>Standing Counsel |
| For R3 to R6 :   | Mr.P.Sunil @ Sunil Prakash             |



ORDER

(Order of this Court was made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of an alleged illegal construction by respondents 3 to 6 on a property at Venkadhathri Street, Kosapet, Purasawakkam Village comprised in R.S.2673, Chennai District.

2. It is asserted by the petitioner that respondents 3 to 6 have carried out illegal and unauthorised construction in the common land measuring about 51 sq.ft. on the eastern side of the aforesaid property. It is further stated that a representation was issued to the first and second respondents on 25.10.2020 and that in spite of receipt thereof, no action has been taken by the official respondents.

3. Mr.P.Sunil Prakash, learned counsel appears on behalf of the respondents 3 to 6 and states that the present writ petition constitutes an abuse of process of law in as much as the petitioner filed a civil suit bearing O.S.No.2209 of 2020 before the XI Assistant City Civil Court, Chennai and had also filed an appeal there from which came to be rejected by the Additional Judge, City Civil Court, Chennai.

4. Mr.K.Raja Srinivas, learned standing counsel appears on behalf of the Greater Chennai Corporation and submits that notices have already been issued both to the petitioner and respondents 3 to 6 in respect of the aforesaid alleged illegal construction. He further states that the representation dated 25.10.2020 would be disposed of within a reasonable time limit as fixed by this Court after providing reasonable opportunity of hearing to both groups of contesting parties.

5. Accordingly, without examining the merits of the matter, the second respondent herein is directed to proceed with the enquiry and conclude the same by a reasoned Order within a period of six weeks from the date of receipt of a copy of this Court, after providing a reasonable opportunity to both the petitioner and the respondents 3 to 6 herein.

6. Nothing in this Order shall be construed as a decision on the merits of the dispute and the matter pending before the appropriate Civil Court may be dealt with on merits uninfluenced by the observations contained herein. The Greater Chennai Corporation is not a party to the Civil Suit or to the appeal proceedings arising there from. In addition, it is elementary that the remit of the Corporation is distinct and confined to examining whether the construction was undertaken after obtaining necessary permits and sanctions and does not extend to



deciding questions of title to property. The Greater Chennai Corporation shall conduct the enquiry by staying strictly within the limits of its jurisdiction.

7. Writ Petition No.11755 of 2021 is disposed of in the above terms. No costs. Consequently, connected Writ Miscellaneous Petition No.12518 of 2021 is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vrc

To

1.The Commissioner,  
Greater Chennai Corporation Rippon Buildings,  
The Zonal Officer,  
Greater Chennai Corporation Zonal Office - 06,  
No.5, Anderson Road, Ayanavaram,  
Chennai - 600 023.

2.The Zonal Officer,  
Greater Chennai Corporation Zonal Office - 06,  
No.5, Anderson Road,  
Ayanavaram,  
Chennai - 600 023.

+1cc to Mr.R.Sreedhar, Advocate, S.R.No.27264

W.P. No.11755 of 2021  
and  
WMP No.12518 of 2021

RSV(CO)  
CB(06/08/2021)