



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.13534 of 2021
and
W.M.P.No.14397 of 2021

T.Prabhakaran,
S/o.J.Thangaraj,
Old No.40/19, New No.19,
Akbar Square 4th Street,
G.K.M.Colony, Kolathur,
Chennai 600 099.

... Petitioner

Vs

1. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu Natarajan Maaligai',
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.
3. The Zonal Officer,
Zone-6, Greater Chennai Corporation,
No.5, Anderson Road,
Ayanavaram, Chennai 600 023.
4. The Divisional Office Greater
Chennai Corporation,
Junior Engineer,
Zone 6, Ward 65,
No.6/A, Subramaniya Puram,
2nd Street, Kolathur,
Chennai 600 099.
5. J.Thangaraj,
S/o.A.Joseph,
Old No.40/19, New No.19,
Akbar Square 4th Street,
G.K.M.Colony, Kolathur, Chennai 600 099.



WEB COPY

6. S.Raja Rajeswari,
W/o.Swarna Deepak Kumar,
No.3/1, Palani Street Extension,
Rajaji Nagar, Villivakkam,
Chennai 600 049.

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the Respondents 1 to 4 to take suitable legal action against the 6th Respondent herein to stop and demolish the unauthorised construction at No.2/19, Akbar Square, 4th Street, Plot No.214, GKM Colony, Chennai 600 082 on the basis of the Petitioner's representation dated 13.03.2021 given to the Respondents 1 to 3 and also on the representation dated 26.03.2021 sent to the 4th Respondent respectively on a date fixed by this Court.

For Petitioner : Mr.P.Gunaraj

For Respondents : Mr.Karthik Rajan
Standing Counsel (for R1)

Mr.K.Raja Srinivas
Standing counsel (for R2 to R4)

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The Petitioner has come before this Court seeking Writ of Mandamus directing Respondents 1 to 4 to take suitable legal action against the 6th Respondent, to stop and demolish the unauthorised construction made at No.2/19, Akbar Square, 4th Street, Plot No.214, GKM Colony, Chennai 600 082 on the basis of the Petitioner's representation dated 13.03.2021 sent to Respondents 1 to 3 and also on the representation dated 26.03.2021 sent to the 4th Respondent respectively.

2.According to the Petitioner, the 5th Respondent is his father and the 6th Respondent is his sister. The property situated at Old No.40/19, New No.19, Akbar Square 4th Street, GKM Colony, Kolathur, Chennai 600 099, measuring to an extent of 2916 sq.ft was allotted and sold to the Petitioner's grandfather viz., Mr.John Joseph, by the Tamil Nadu Slum Clearance Board in the year 1993. The Petitioner's grandfather demarcated the property to an extent of 463 sq.ft and the settle same in the name of the Petitioner's father. The said property is presently under the occupation of the Petitioner, 5th Respondent and 6th Respondent. The case of the Petitioner is that the 6th Respondent has been given adoption to some third parties.



However, she is illegally occupied the 1st Floor of the property and started making further construction. The Petitioner is living alongwith the 5th Respondent/father and therefore, the Petitioner has given a representations on 13.03.2021 and 26.03.2021, to Respondents 1 to 3 and the 4th Respondent respectively and thereafter, approached this Court.

2. Heard Mr.P.Gunaraj, learned counsel appearing on behalf of the Petitioner, Mr.Karthik Rajan, learned Standing Counsel appearing on behalf of the 1st Respondent and Mr.K.Raja Srinivas, learned Standing counsel appearing on behalf of Respondents 2 to 4.

3. A perusal of the records would show that the Petitioner had already moved a civil suit in O.S.No.2551 of 2021 before the XVI Assistant City Civil Court, Chennai, seeking partition of the aforesaid property as well as for a declaration that the 6th Respondent has got no right to claim over the property and for consequential permanent injunction. The same is pending before the civil Court.

4. It is very clear from the facts as well as the suit filed by the Petitioner that there is a civil dispute pending between the parties and the Petitioner has rightly filed a civil Suit. The Petitioner cannot approach this Court to settle a civil dispute. Therefore, the Writ Petition is not maintainable and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sai

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu Natarajan Maaligai',
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.



3. The Zonal Officer,
Zone-6, Greater Chennai Corporation,
No.5, Anderson Road,
Ayanavaram, Chennai 600 023.

WEB COPY

4. The Divisional Office,
Greater Chennai Corporation,
Junior Engineer,
Zone 6, Ward 65,
No.6/A, Subramaniya Puram,
2nd Street, Kolathur,
Chennai 600 099.

+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.30609

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.30375

W.P.No.13559 of 2021

RR(CO)
BE(30/07/2021)