



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.16348 OF 2021
AND
W.M.P.NO.17322 OF 2021

M/s Madras Hotel Ashoka Pvt. Ltd.,
Rep. by the Managing Director,
Mr.K.Jayavarmaraj Ballal,
Son of K.Pandiaraja Ballal,
Madras Hotel Ashoka,
No.47, Pantheon Road,
Egmore,
Chennai - 600 008.

...Petitioner

.Vs.

1. The Chennai Metropolitan Development Authority,
Rep. by the Member Secretary,
Thalamuthh Natrajan Maligai,
No.1, Gandhi Irwin Road,
Chennai - 28.
2. The Greater Chennai Corporation,
rep. by the Commissioner,
Park Town,
Chennai - 600 003.
3. M/s S.Plus Media,
Old No.145, New No.4,
Rukmini Lakshmipathy Street,
(Marshals Road), Egmore,
Chennai - 600 008.
4. The Executive Engineer,
Zone- 5,
Greater Chennai Corporation,
No.105, Basin Bridge Road,
Royapuram, Chennai - 79.



(R4 suo motu impleaded vide order
dated 05.08.2021)

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action against the 3rd respondent for the unauthorised construction put up by him on the compound wall adjacent to Old No.145, New No.4 at Rukmini Lakshmipathy Road (Marshal's Road) own by the petitioner, endangering the life of the common people & inmates of the petitioner Hotel on the basis of the representations made by the petitioner to the 1st and 2nd respondents dated 28.06.2021 and 06.07.2021 respectively.

For petitioner: Mr.R.Singgaravelan
Senior Counsel for
Mr.T.Venkatesh Kumar

For respondents: Mrs.P.Veena Suresh
Standing Counsel (for R1)

Mr.K.Raja Shirnivas
Senior Standing Counsel
(for R2 & R4)

Mr.Adhithyaraj for
M//s Willson Associates (for R3)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

We have heard Mr.R.Singgaravelan, learned Senior Counsel appearing for the petitioner, Mrs.Veena Suresh, learned Standing Counsel appearing for the first respondent, Mr.K.Raja Shirnivas, learned Senior Standing Counsel appearing for the respondents 2 and 4 and Mr.Athithyaraj, learned counsel appearing for the third respondent.

2.The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action against the 3rd respondent for the illegal construction put up by him at Old No.145, New No.4 in Rukmini Lakshmipathy Road (Marshal's Road) Chennai.



3.The learned Senior Standing Counsel appearing for the Greater Chennai Corporation Mr.K.Raja Shirinivas would state that pursuant to the representation given by the petitioner, the officials of the Greater Chennai Corporation had issued lock and seal notice to the third respondent. Aggrieved over the same, they preferred a special revision before the Government under Section 80-A of the Act.

4.The learned counsel appearing for the third respondent Mr.Athithyaraj would state that the third respondent has preferred special revision before the Government on 14.09.2021 and also filed a writ petition W.P.No.21782 of 2021 for disposal of the revision within a time framed and the said writ petition was disposed of on 06.10.2021 directing the respondents to dispose of the revision within three months.

5.In the light of the above statement of the learned counsel appearing for respondents, we are of the considered opinion that the prayer sought for in this writ petition has become infructuous.

6.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Member Secretary
Chennai Metropolitan Development Authority,
Thalamuthh Natrajan Maligai,
No.1, Gandhi Irwin Road, Chennai - 28.
2. The Commissioner,
Greater Chennai Corporation,
Park Town, Chennai - 600 003.



3. The Executive Engineer,
Zone- 5,
Greater Chennai Corporation,
105, Basin Bridge Road,
Royapuram, Chennai - 79.

+1cc to Mrs.P.Veena Suresh, Advocate, S.R.No.61735
+1cc to M/s.R.Nirosha, Advocate, S.R.No.62170
+1cc to M/s Willson Associates, Advocate, S.R.No.62443
+1cc to Mr.K.Raja Shirnivas, Advocate, S.R.No.62394

W.P.No.16348 of 2021
and
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PL (CO)
PM/27/12/2021