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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 18749 of 2021

and

WMP No.20022 of 2021

Moideen

.. Petitioner

Vs

1. The Commissioner
Greater Corporation of Chennai
Ribbon Building
Chennai 600 033.
2. The Zonal Officer/District Revenue Officer,
Zone-9 Chennai Corporation
Nungambakkam,
Chennai 34
3. V.K.Abdul Aleem & Bros
rep. by V.K.Abdul Haleems

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to pass orders on the representation dated 26.08.2021 by preventing unwanted noise, nuisance, and pollution from the illegal demolition of ground floor of the building at Door No.31 (Old No.15), West End Street, Gopalapuram, Chennai 600 086 and take appropriate action against the 3rd respondent.

For Petitioner : Mr.S.Lingesh

For Respondent : Ms.P.T.Rama Devi
Standing Counsel for R1 & R2



O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the first and second respondents to consider the representation made by the petitioner on 26.08.2021, wherein the petitioner has complained to the Corporation of Chennai regarding the demolition of the ground floor in the subject property.

2.The petitioner is admittedly a lessee in the subject property and it is owned by the third respondent. The grievance of the petitioner is that the third respondent is trying to illegally evict the petitioner from the property and hence, started the demolition process in the ground floor. It is seen from records that there has been exchange of notices between the parties in this regard. According to the petitioner, the third respondent is illegally demolishing the property without getting any sanction from the Corporation of Chennai. Therefore, the petitioner made a representation in this regard on 26.08.2021. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard the learned counsel for the petitioner and the learned standing counsel appearing on behalf of the respondents 1 and 2.

4. In the considered view of this Court, the issue involved in the present writ petition is admittedly a civil dispute between the petitioner and the third respondent. If the petitioner feels that the third respondent is trying to illegally evict the petitioner from the property, it is always left open to the petitioner to work out his remedy before the competent civil Court. The learned standing counsel appearing on behalf of the Corporation of Chennai submitted that pursuant to the representation made by the petitioner, an inspection was conducted by the officials and it was found that the third respondent is not undertaking any demolition work and he is only renovating the premises. The notices that have been exchanged between the parties shows that there is a serious civil dispute between the petitioner and the third respondent and the same cannot be resolved in this writ petition. The petitioner has to necessarily approach the civil Court to work out his remedy. Except giving this liberty to the petitioner, no further orders can be passed in the present writ petition.



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5. The Writ Petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Commissioner
Greater Corporation of Chennai
Ribbon Building
Chennai 600 033.
2. The Zonal Officer/District Revenue Officer,
Zone-9 Chennai Corporation
Nungambakkam,
Chennai 34

+1cc to M/s.S.Lingesh, Advocate, S.R.No.45067

+1cc to M/s.P.T.Ramadevi, Standing Counsel, S.R.No.45589

W.P.No.18749 of 2021

KSM(CO)
SU(24/09/2021)