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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.NO.674 OF 2021

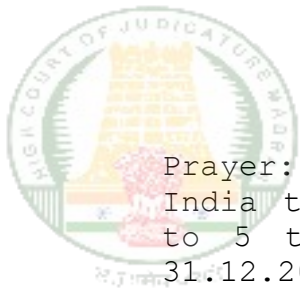
E.Sivakumar

... Petitioner

vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Park Town, Chennai-600 003.
2. The Chairman,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008.
3. The Zonal Officer,
Greater Chennai Corporation,
Zone XXV, No.1A, Govindan Salai,
West Mambalam, Chennai-600 033.
4. The Divisional Engineer,
Greater Chennai Corporation,
Division No.133,
No.21, West Mambalam,
Chennai-600 033.
5. The Assistant Engineer,
Greater Chennai Corporation,
Zone XXV, No.1A, Govindan Salai,
West Mambalam,
Chennai-600 033.
6. Hotel Pentagon Inn,
A Partnership Firm,
represented by its Partner T.Kishore
27/1, Jawaharlal Nehru Road,
Koyambedu, Chennai - 107.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 5 to take action in respect of the representation dated 31.12.2020 given by the petitioner regarding the un-authorized construction put up by the 6th respondent in property bearing Old Door No.233, New Door No.27/1, Inner Ring Road, Jawaharlal Nehru Road, Koyambedu, Chennai - 600 107.

For Petitioner : Mr.V.Devendhiran

For Respondents : Mr.K.Raja Shrinivas for R1, 3 to 5

Mrs.P.Veena Suresh for R2

R6-No appearance

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court with this writ petition seeking a direction to respondents 1 to 5 to take action in respect of the representation dated 31.12.2020 given by him regarding the un-authorized construction put up by the 6th respondent in property, bearing Old Door No.233, New Door No.27/1, situated at Inner Ring Road, Jawaharlal Nehru Road, Koyambedu, Chennai - 600 107.

2.Learned counsel appearing for the petitioner submitted that in the above said property, front portion situated in ground and first floor was offered for lease for the purpose of running a Restaurant in the name and style of 'Aasai Chettinad' and the same was accepted by the petitioner and in this regard, a Lease Agreement was entered into between the petitioner and the partner of M/s.Hotel Pentagon Inn. While so, the petitioner came to know that the sixth respondent had obtained sanction for ground and first floors and the rest of the floors are constructed by him un-authorizedly and despite knowing the fact, the sixth respondent had offered to let out the said portion to the petitioner. Therefore, the petitioner is before this Court seeking the above prayer.

3.When it is the contention of the learned counsel for the petitioner that a Lease Agreement was entered into between the petitioner and the partner of M/s.Hotel Pentagon Inn, the petitioner, being the lessee of the sixth respondent, has not filed any document to prove that he is the bonafide registered



lessee of the said portion. Moreover, the lease agreement is not registered and a copy of the same was also not produced. Therefore, we are unable to appreciate the conduct shown by the petitioner in not filing such vital document. Hence, we are unable to entertain this petition filed by the petitioner, as it is completely bereft of any material. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Park Town, Chennai-600 003.
2. The Chairman,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
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3. The Zonal Officer,
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Zone XXV, No.1A, Govindan Salai,
West Mambalam, Chennai-600 033.
4. The Divisional Engineer,
Greater Chennai Corporation,
Division No.133,
No.21, West Mambalam, Chennai-600 033.
5. The Assistant Engineer,
Greater Chennai Corporation,
Zone XXV, No.1A, Govindan Salai,
West Mambalam, Chennai-600 033.

+1cc to M/s.P.Veena Suresh, Advocate, S.R.No.27621

+1cc to Mr.V.Devendhiran, Advocate, S.R.No.28116

W.P.No.674 of 2021

GPL(CO)

RLP(04/05/2022)