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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.6449 of 2022

Sri Ganesh Flats Owners Association,
rep. by Secretary V.Radha

... Petitioner

vs

1.The Commissioner,
Corporation of Chennai,
Chennai-600 001.

2.The Zonal Officer,
Zone-IX (Teynampet),
Corporation of Chennai,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-600 034.

3.The Public Information Officer,
Corporation of Chennai,
No.117, N.S.K.Salai,
Kodambakkam,
Chennai - 600 024.

4.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

5.The Public Information Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

6.The Assistant Engineer,
TNEB., Teynampet,
Chennai - 600 018.

7.A.Thiruneelam

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to ensure that the building in Old No.42-A, New No.117, Sri Ganesh Flats, Thiruvalluvar Salai, Teynampet, Chennai-600 018 is built as per the planning permit PPA.No.D8/6879/1996 and Building Permit B.A.No.D8/6164/1996 dated 26.12.1996 and remove the unauthorised construction thereto based on the petitioner's representation dated 18.06.2021.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.K.Raja Shrinivas,
Standing Counsel (Corporation)
for R1 to 3

Mrs.C.Sumathi,
CMDA for R4 and 5

Mr.L.Jaivenkatesh,
Tamil Nadu Electricity Board
for R6

ORDER

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

The petitioner has again come to this Court with this petition for issuance of writ of Mandamus directing the respondents to ensure that the building, situated in Old No.42-A, New No.117, Sri Ganesh Flats, Thiruvalluvar Salai, Teynampet, Chennai-600 018 is built as per the planning permit PPA.No.D8/6879/1996 and Building Permit B.A.No.D8/6164/1996 dated 26.12.1996 and to remove the un-authorised construction thereto based on her representation dated 18.06.2021.

2.When the matter is taken up for hearing, Mr.K.Raja Shrinivas, learned Standing Counsel appearing for Corporation/respondents 1 to 3 submitted that the petitioner had already filed a Writ Petition in W.P. No.35666 of 2007 before this Court, which had been withdrawn by her. Now, the petitioner has again come to this Court with the same prayer, which shows that she is having oblique motive on the earlier Writ Petition No.35666 of 2007. Since she withdrew the above writ petition, once again she cannot come to this Court, after four long years to renew the same prayer, without seeking any leave from this Court to pursue her remedy.

3.Learned counsel appearing for the petitioner submitted that since the writ petition was dismissed in respect of seventh respondent vide order dated 30.06.2014 and that there was an



undertaking given by the official respondents that they were taking action against the un-authorized construction, the petitioner had withdrawn the writ petition.

4. We are unable to accept the reply given by the learned counsel for the petitioner. As alleged by the learned counsel for the petitioner if there has been a statement made by the official respondents that they were taking action with regard to the un-authorized construction, the same could have been generally observed by this Court, but, there is no such observation made in the above writ petition and no liberty or relief has been given to the petitioner to pursue the matter. Therefore, we are inclined to dismiss this writ petition, since nothing survives for further adjudication. Accordingly, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-III)

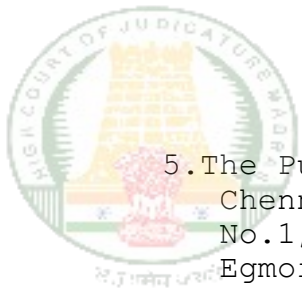
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Sub Assistant Registrar

vga

To

1. The Commissioner,
Corporation of Chennai,
Chennai-600 001.
2. The Zonal Officer,
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Egmore, Chennai-600 008.



5.The Public Information Officer,
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6.The Assistant Engineer,
TNEB., Teynampet,
Chennai - 600 018.

+lcc to Mr.K.Raja Srinivas, Advocate, S.R.No.19630

+lcc to Mr.M.Selvam, Advocate, S.R.No.19967

W.P.No.6449 of 2022

PL(CO)
SB(06/04/2022)