



W.P.No.31695 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.31695 of 2014 and
MP.No.1 of 2014

Helen Moses

... Petitioner

Vs

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
- 2.The Assistant Zonal Officer,
Corporation of Chennai,
Zone No.V, Division No.70,
Shenoy Nagar, Chennai 600 030.
- 3.The Chairman & Managing Director,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 4.The Commissioner of Police,
Chennai District,
Poonamallee High Road,
Vepery, Chennai 600 007.
- 5.The Inspector of Police,
G-3 Police Station (Law & Order),
Kilpauk, Chennai 600 010.



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6.Dr.S.Ganesan

7.G.manimekalai

8.Naminath Sthulabhadra Vihar Trust,

Kilpauk Jain Sangh,

No.9 Millers Road,

Opp. Ayesha Hospital,

Kilpauk, Chennai 600 010.

9.Dhaval J.Chandan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the Respondents 1 to 3 herein to consider the representation of the Petitioner dated 10.11.2014 thereby preventing the 8th Respondent Trust and its members from in any manner illegally gathering / holding religious discourses in the property situate at door No.9, New Nos.16, 17 and 18 Millers Road, Kilpauk, Chennai 600 010.

For Petitioner : Mr.Sharukumar
for Mr.T.T.Ravichandran
For Respondents : Mr.G.T.Subramanian (for R1 & R2)
Standing Counsel
Mr.B.Vijay (for R4 & R5)
Additional Government Pleader
Mr.Vishnu Mohan (for R8 & R9)
No Appearance (for R3, R6 & R7)

ORDER

The petitioner, claiming to be a resident of Old No.8, New No.15, Millers Road, Kilpauk, Chennai-600 010, has sought mandamus directing R1 to R3, being the Commissioner and Assistant Zonal Officer of the Corporation of



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Chennai as well as the Chairman and Managing Director, Chennai Metropolitan

Development Authority to consider her representation dated 10.11.2014.

2.The prayer in the representation is as below:

'In view of the above I request you to intervene in the above matter and give directions to the persons who are presently constructing a building in Door Old No.9, New No.16, Millers Road without the authorization of law and direct the said persons to desist from congregating without obtaining prior permission of the Corporation and also the jurisdictional police. I request you to immediately take suitable action in the above matter.'

3.Thus, what the petitioner seeks is intervention of R1 to R3 in the unauthorised construction alleged to be put up in Door No.9, New No.16, Millers Road and a further direction to the persons to desist from congregating without obtaining prior permission of the Corporation as well as the Police. Copies of this representation have been issued to the Chief Minister's Cell, Commissioner and Inspector of Police. There is an acknowledgment of receipt of the representation by the Commissioner of Police, which is placed at page 22 of the typedset.



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4.Learned counsel, who appears for the Corporation would submit that as regards that limb of the prayer in the representation relating to unauthorised construction, a Stop-work Notice has been issued as early as on 18.12.2014.

5.That apart, the petitioner also appears to have file yet another writ petition in WP.No.31655 of 2014 and the Division Bench of this Court hearing that matter has, vide order dated 19.12.2014, stated as follows:

'Heard the learned counsel appearing for the petitioner and the learned counsel appearing for respondents 1 to 3.

2.This Writ Petition is filed praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 herein to demolish all unauthorized constructions put by the 8th respondent at Door No.9, New Nos.16, 17 and 18 Millers Road, Kilpauk, Chennai-600 010.

3.During the pendency of the Writ Petition, the second respondent has passed an order issuing Stop Work Notice dated 18.12.2014.

4.In view of the said Stop Work Notice issued on 18.12.2014, the prayer sought for in the Writ Petition has become infructuous. Accordingly, recording the Stop Work Notice issued on 18.12.2014, this Writ Petition is disposed of. If the 8th respondent is aggrieved by the said Stop Work Notice, it is for them to approach the appropriate authority for appropriate relief. No costs. Consequently, connected MP is closed.'

6.With this, there is no further necessity for any direction to the Corporation officials as this aspect of the matter has been addressed already, as noted by the Division Bench. As regards the second limb relating to



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congregation without prior permission, Mr.B.Vijay, learned Additional Government Pleader, who accepts notice for R4 and R5 would assure the Court that the needful would be done in this regard, once the petitioner approaches the authorities for necessary relief.

7.It is thus open to the petitioner to approach R4 and R5 to reiterate the request under representation dated 10.11.2014 and if such an attempt is made by the petitioner, necessary action shall be taken by R4 and R5 in accordance with law after hearing the petitioner as well as the private respondents, expeditiously.

8.This writ petition is disposed. No costs. Connected miscellaneous petition is closed.

14.12.2022

vs

Index : Yes/No

Speaking Order

To

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Dr.ANITA SUMANTH,J.

VS

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