



W.P. No. 25962 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 25962 of 2014

K.Vasantha

... Petitioner

-VS-

1. The Commissioner
Corporation of Chennai
Rippon Building
E.V.R. High Road
Park Town
Chennai - 600 003.

2. The Assistant Commissioner
Zone - 14, Corporation of Chennai
No.9/64, Puzhuthivakkam Main Road
Chennai - 600 091.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to pay compensation of a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) for the damages and loss caused to the Petitioner based on her representation dated 12.05.2014 and legal notice dated 27.06.2014 within the stipulated time that may be fixed by this Court.



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For Petitioner : Mr. C.Prabakaran

For Respondents : Mr. G.T.Subramanian

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ORDER

Heard Mr. C.Prabakaran, Learned Counsel for the Petitioner and Mr. G.T.Subramanian, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has sought a compensation of Rs. 35,00,000/- from the Respondents for the collapse of his house, which according to him, was caused on account of negligence in digging the ground while carrying out drainage works on the road in front of his property. Learned Counsel for the Respondents points out from the affidavit filed in support of the Writ Petition that repair to the drainage works had been carried on 25.01.2014 and the collapse of the building had taken place on 04.04.2014 and there is nothing to show that the collapse of the building had taken place due to the drainage works. Such disputed questions of fact obviously involves recording of evidence of parties on the rival contentions and cannot be satisfactorily determined in proceedings following summary procedure under Article 226 of



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the Constitution. In that backdrop, Learned Counsel for the Petitioner seeks

permission of this Court to withdraw the Writ Petition with liberty to work out his rights before the proper forum in the manner recognized by law and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 04.09.2014, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. No costs.

31.10.2022

Maya

Index: Yes/No

Note: Issue order copy by 14.11.2022.

To

1. The Commissioner
Corporation of Chennai
Rippon Building
E.V.R. High Road
Park Town
Chennai - 600 003.
2. The Assistant Commissioner
Zone - 14, Corporation of Chennai



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No.9/64, Puzhuthivakkam Main Road
Chennai - 600 091.

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Copy to

K.Vasantha,
W/o. M.Meera Mohideen,
No.30, Muthiyal Reddy Nagar,
Second Street, Adambakkam,
Chennai – 600 088.



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P.D. AUDIKESAVALU, J.

Maya

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