



WEB COPY



W.P.No.21619 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE Mr.JUSTICE KUMARESH BABU

W.P.No.21619 of 2022
and WMP.No.20638 of 2022

Zahira Banu

.... Petitioner

Vs

- 1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
- 2.The Regional Deputy Commissioner (North)
Greater Chennai Corporation
Basin Bridge
Chennai - 600 001.
- 3.The Zonal Officer
Zone-5, Greater Chennai Corporation
Basin Bridge
Chennai - 600 001.
- 4.The Executive Engineer
Zone-5, Greater Chennai Corporation
Basin Bridge
Chennai - 600 001.



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5.The Assistant Executive Engineer
Unit-14, Greater Chennai Corporation
Egmore
Chennai - 600 008.

6.The Assistant Engineer
Division-61, Greater Chennai Corporation
Egmore
Chennai - 600 008.

7.J.Jayapal Mohan

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1 to 6 respondents to locking, sealing and demolishing the unauthorized constructions, admeasuring an extent of 1363 Kuzhi comprised in Survey No.588/1, situated at Old No.66, New No.10, Perumal Reddy Street, Egmore, Chennai - 600 008.

For Petitioner : Mr.D.Saikumarran

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel for Chennai Corporation
[R1 to R6]
Mr.C.Mariappan [R7]

ORDER

[Order of the Court was made by R.SUBRAMANIAN.J]

It has become an habit for litigants to approach this Court under Article 226 of the Constitution of India, complaining of violation of the approved plan or



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construction without any approved plan, even in cases where there is an *inter se* civil dispute regarding the property. In the case on hand, it is the claim of the petitioner that the seventh respondent is putting up construction in the property belonging to the petitioner.

2. The learned counsel for the seventh respondent would submit that the suit in O.S.No.3586/2022 has already been filed by the petitioner against the seventh respondent before the City Civil Court, Chennai. The said fact has been burked in the affidavit filed in support of this writ petition.

3. We do not think the jurisdiction under Article 226 can be invoked to settle private disputes, though there is a statutory duty cast upon the official respondents to ensure that there is no development, either without approval or in violation of the approval granted.

4. Hence, we see no merit in the writ petition, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[RSMJ] [KBJ]
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Index : Yes / No
Speaking order / Non-speaking order
ds

To:



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R.SUBRAMANIAN. J.,
and
KUMARESH BABU.J.,

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