



W.P.No.26287 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.26287 of 2022

Rakesh

...Petitioner

Vs.

1.The Commissioner,
Tambaram City Municipal Corporation (Pallavaram),
New Colony, Chrompet,
Chennai – 600 044.

2.Mala Murugan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondent 1st respondent to implement the order dated 10.01.2022 and remove the unauthorized construction on the car parking area put up by the 2nd respondent in Maha Flats No.64/74, Dhargas Road, Zamin Pallavaram, Chennai – 600 117.

For Petitioner : Mr.S.Ravichandran
For Respondents : Mr.Vadivelu Deenadayalan

Additional Government Pleader for R1



W.P.No.26287 of 2022

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The prayer in the Writ Petition reads as follows:-

“directing the respondent 1st respondent to implement the order dated 10.01.2022 and remove the unauthorized construction on the car parking area put up by the 2nd respondent in Maha Flats No.64/74, Dhargas Road, Zamin Pallavaram, Chennai – 600 117.”

2.The order of the Division Bench dated 10.10.2022 reads as follows:-

“Heard R.Muthukumar, learned counsel for the petitioner, Mr.M.K.Ponraj, learned counsel appearing for the first respondent, Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the second respondent, Mr.M.K.Prabakar, learned counsel appearing for the third respondent and perused the materials available on record.

2.The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the unauthorised construction made by the third respondents at Maha Flats, No.64/74, Dhargas Road, Zamin Pallavaram, Chennai – 600 117.

3.The learned Standing Counsel appearing for the



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W.P.No.26287 of 2022

first respondent would submit that based on the complaint of the petitioner, a pre-notice dated 21.12.2021 was issued to the third respondent for production of the approved plan. Since there was no response, final order came to be passed on 07.10.2022 directing the respondent to remove the encroachment.

“4.It is the contention of the learned counsel for the third respondent that no unauthorised construction is made by the third respondent as alleged by the petitioner, but he constructed only a security room. However, considering the fact that the first respondent had already passed an order on 07.01.2022, we are of the considered opinion that nothing survives for further consideration in this Writ Petition. Hene, this Writ Petition is disposed of. No costs.”

3.We do not see any positive direction that had been issued by the Division Bench to enable the petitioner to seek a mandamus as stated above. Hence, this Writ Petition is dismissed. No costs.

(R.S.M.,J.) (K.B.,J.)
29.09.2022

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W.P.No.26287 of 2022

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

KKN

To:-

- 1.The Commissioner,
Tambaram City Municipal Corporation (Pallavaram),
New Colony, Chrompet,
Chennai – 600 044.

W.P.No.26287 of 2022

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