



WEB COPY



W.P.No.29588 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

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

W.P.No.29588 of 2022

Anusuya

...Petitioner

Vs.

1.The Commissioner of Corporation,
Office of the Commissioner,
Ripen Building, Corporation of Chennai,
Chennai – 600 003.

2.The Secretary,
Chennai Metro Development Authority,
Thalamuthu Natarajar Maligai,
Egmore, Chennai – 600 008.

3.B.R.Ravi

4.R.Shanthi

5.K.Maheswari

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records in respect of the letter No.EC/N-I/11406/2022 dated 25.08.2022 issued by the 2nd respondent and quash the same and consequently, directing the 2nd



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respondent based on the petitioner representation letters dated 26.07.2022 and 16.08.2022 to demolish the unauthorised construction over property in S.No.261/B measuring 346.50 Sq.ft., Block 16, New No.51, Old No.31(11/1) Perambur High Road, Jamalia, Chennai – 600 012.

For Petitioner : Mr.B.Chandran

For Respondents : Mr.D.B.R.Prabhu

Standing Counsel for R1

Mr.C.N.Vinobha, Standing Counsel for R2

ORDER

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

The petitioner seeks to invoke the constitutional remedy under Article 226 of the India, seeking a Writ of Mandamus, directing the respondents to take action under Sections 56 & 57 of the Town and Country Planning Act and the alleged violation committed by the 3rd respondent.

2.In the affidavit filed in support of the Writ Petition, the petitioner would allege that the 3rd respondent had executed a sale deed in favour of his wife in the year 2012, describing himself as power agent of



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one Jamuna Bai. It is also averred that the wife of the 3rd respondent had sold the property to one K.Maheshwari namely, the 5th respondent in the year 2020. The petitioner seeks to impugn these transactions and claim that she is the owner of the property. These questions relating to the title to the property cannot be conveniently gone into in the proceeding under Article 226. This petition invoking Article 226 in our opinion is a colourable exercise, to settle private scores. This Writ Petition is therefore, dismissed with liberty to the petitioner to approach the Civil Court. No Costs.

(R.S.M.,J.) (K.B.,J.)
09.11.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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

KKN

To:-

- 1.The Commissioner of Corporation,
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Chennai – 600 003.
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