



W.P.No.2787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2787 of 2023

A.Selvi

... Petitioner

Versus

1. The Commissioner,
Greater Corporation of Chennai,
Rippon Building, Chennai-600 003.

2. The Zonal Officer (Zone No.6)
Strehans Road, Patalam, Chennai-600 012.

3. Jaffer Khan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to consider and dispose of the petitioner's representation dated 28.11.2022 to the first and second respondent with regard to the obstruction by the 3rd respondent of the public road namely Annai, Anchugam Nagar, Periyar Street, Zone No.6 of Chennai Corporation, within a stipulated period.

For Petitioner : Mr.S.Saravana Kumaran

For Respondents : Mrs.P.T.Ramadevi
For Chennai Corporation RR1 & 2



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ORDER

The writ petition has been filed seeking a direction to the respondent to consider and dispose of the petitioner's representation dated 28.11.2022 to the first and second respondents with regard to the obstruction by the 3rd respondent of the public road namely Annai, Anchugam Nagar, Periyar Street, Zone No.6 of Chennai Corporation.

2. It is the contention of the petitioner that the third respondent has encroached the road Periyar Veedhi, which is running from North to South and the road which is running between the plot No.161, 162, 142 and 141. The third respondent claims that he had purchased the property bearing Plot No.161A as if the said property is situated between plot No.161 and 162. Based on the ex-parte decree obtained from the City Civil Court against the Corporation, the third respondent had tried to take the possession of the road. In this regard, the petitioner has made a representation dated 28.11.2022 to the respondents 1 & 2 and the same is not considered by them, Hence, the present writ petition.

3. This Court is of the view that when the third respondent has obtained an ex-parte decree against the Corporation in respect of the subject matter, the



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Corporation has to file an appeal against the said order. The third parties have no right to seek a direction to the Corporation to go against the Civil Court decree.

4. Such view of the matter, the writ petition is dismissed. No costs.

03.02.2023

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Index : Yes/No

To

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N. SATHISH KUMAR, J.

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