



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.12.2023

CORAM:

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN
AND
THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Review Application (W) No.151 of 2023

L. Chamundeeswari

Petitioner

v

1 Y. Joseph Raj

2 The Principal Secretary & Commissioner
Greater Chennai Corporation
Ripon Building, Chennai

3 The Joint Commissioner of Police
North Tondiarpet
Chennai

4 The Executive Engineer
Zone – IV, Chennai Corporation
Thiruvottriyur, Chennai 600 019

5 The Zonal Officer
Zone IV, Chennai Corporation
Old Washermanpet
Chennai 600 021

6 The Assistant Executive Engineer
Unit 10, Corporation of Chennai
Thiruvottriyur
Chennai 600 019

7 The Assistant Engineer
Division No.39

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Corporation of Chennai
Thiruvottriyur
Chennai 600 019

Review Application (W) No.151 of 2



Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code seeking to review the order dated 20.10.2022 passed in W.P. No.23425 of 2022 directing the respondents 2 to 7 to take necessary action of sealing unauthorized construction notice issued by respondents 4 to 7 pertaining to the proceedings in Notice No.Z.O.IV/C.No.83/4346/2022 dated 16.05.2022 with suitable police aid and consequently, direct the respondents to demolish the illegal, unauthorised construction building property bearing Old Door No.45, New No.137, Thiruvottriyur High Road, New Washermanpet, Tondiarpet, Chennai 600 081, in violation of the Town and Country Planning Act, 1971.

For petitioner	Mr. Aravind Subramaniam, Sr. Counsel for Mr. S. Vediappan
For R1	Mr. A. Muthukumar
For R3	Mr. T. Venkatesh Kumar Special Government Pleader
For RR 2 & 4-7	Mr. Arun Dhanapalan for Mr. D.B.R. Prabhu, Standing Counsel

ORDER

(made by R. SUBRAMANIAN, J.)

This application has been filed seeking to review the order dated 20.10.2022 passed by us in W.P. No.23425 of 2022.



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2 In the aforesaid order under review, we had issued a mandam

directing the Chennai Corporation to take action against unauthorised construction. Pursuant to our direction, the Chennai Corporation has also issued notices and has sealed the building.

3 It is now brought to our notice that two civil suits are pending with reference to the property in question in the City Civil Court, Chennai and this Writ Court has been used to circumvent the proceedings before the City Civil Court, Chennai.

We find that that the claim of the review petitioner is sustainable. Hence, this review petition is allowed and the order dated 20.10.2022 passed in W.P. No.23425 of 2022 is recalled. As a sequitur, the writ petition in W.P. No.23425 of 2022 will stand dismissed. It is open to the Chennai Corporation to take action if there is any violation or unauthorised construction put up. Costs made easy.

(R.S.M., J.) (K.B., J.)
12.12.2023

cad

R. SUBRAMANIAN, J.
and

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Review Application (W) No.151 of 2

K. KUMARESH BABU,



cad

Review Application (W) No.151 of 2023

12.12.2023