



WEB COPY

W.P.No.16308 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.16308 of 2019

B.Murugavel

.. Petitioner

Vs.

- 1.The Commissioner,
Greater Corporation of Chennai,
Rippon Buildings, E.V.R. Periyar Salai,
Chennai – 600 084.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 3.The Zonal Officer,
Zone 13, Greater Corporation of Chennai,
No.115, L.B.Road,
Dr.Muthulakshmi Salai,
Adyar, Chennai – 600 020.

4.M.B.Sudha

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to lock and seal the premises of the 4th Respondent and consequently restrain the 4th Respondent from carrying on any commercial activity at Flat No.2, Dev Apartments situated at New No.4,



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Old No.31, First Main Road, Shastri Nagar, Adyar, Chennai – 600 020.

For Petitioner	: Mr.Jerry V.V.Sundar
For RR 1 & 3	: Mr.D.B.R.Prabhu Standing Counsel
For R2	: Mr.C.N.Vinobha Standing Counsel
For R4	: Mr.A.Prasanna Venkat for M/s.A.P.R. Associates

ORDER

(Order of the Court was delivered by V.LAKSHMINARAYANAN,J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 3 to lock and seal the premises of the 4th respondent and consequently restrain the 4th respondent from carrying on any commercial activity at Flat No.2, Dev Apartments situated at New No.4, Old No.31, First Main Road, Shastri Nagar, Adyar, Chennai – 600 020.

2.The petitioner is the owner of Flat No.7, New No.4, Old No.31, First Main Road, Dev Apartments, Shastri Nagar, Adyar, Chennai – 600 020. The 4th respondent, M.B.Sudha is running a Boutique in the said premises after securing license from the Greater Chennai Corporation on 27.03.2017 and the documents produced by the 4th respondent reveals



that it has been extended from time to time. According to the Writ Petitioner, running a commercial activity violates the Bye-Laws of the Association in the name and style of ***“Dev Apartments Owners Association, 15.Codes & Conduct to be Observed by the Members / Residents”***. This is a private contract between the persons who own a property or take a property on lease. Here is the case, when the 4th respondent is the purchaser of the property and whether the Bye-Laws of the Association is binding or not cannot be a subject matter of Writ Petition since, the Bye-Laws are not statutory in flavour. The only remedy is by way of Civil proceedings and is not by way of Writ Petition.

3. Accordingly, the Writ Petition is dismissed, reserving the opportunity for the Association, Writ Petitioner or any other persons, who are member of the Association to file a Civil Suit. No costs.

(V.M.V., J) (V.L.N., J)
30.03.2023

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

<https://www.mhc.tn.gov.in/judis>



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V.M.VELUMANI, J.

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