



WEB COPY



WP No.28447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

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B.Sukumar

... Petitioner

-VS-

1. The Member Secretary,
CMDA, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
3. The Zonal Office,
Zone-06, Ward-78, Greater Chennai
Corporation, No:158, Strahans Road,
Pattalam, Chennai 600 012.
4. The TANGEDCO,
No:144, Anna Salai,
9th Floor, Chennai 600 002.
5. Rajesh Agarwal
6. Ramesh Agarwal

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to implement the order dated 23.06.2022 to demolish the unauthorised building No:43/18, Nammazhwar Street, Choolai, Chennai 600 007 of



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the 5th and 6th respondents.

For the Petitioner : Mr.S.Natarajan
For the Respondents : No appearance for R-1
: Mr.D.B.R.Prabhu for RR 2 and 3
: Mr.N.Muralikumar,
Senior Counsel for RR 5 and 6
* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Natarajan, learned counsel for the petitioner, Mr.D.B.R.Prabhu, learned counsel for respondents 2 and 3 and Mr.N.Muralikumar, learned senior counsel for respondents 5 and 6.

2. The learned senior counsel for respondents 5 and 6 submits that the present petition is not a public interest litigation but a personal interest litigation. Only the building of respondents 5 and 6 is targeted. The petition is filed only for the purpose of black-mailing. Such a petition cannot be entertained. Reliance is placed on the judgment of a Division Bench of Bombay High Court in ***Sarthi Seva Sangh vs. Mumbai Municipal Corporation***, reported in **2022 SCC**



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3. The Corporation has filed a status report stating about the deviations in the building of respondents 5 and 6. Further action was taken under Section 57 read with 85 of the Tamil Nadu Town and Country Planning Act, 1971, against 5th and 6th respondents on 24.07.2023.

4. In the present writ petition, we are not going to decide about the nature of the construction, whether there is any deviation or not. The Corporation has taken an action. The respondents 5 and 6 have remedy available to them.

As the Corporation has already taken action, no orders are necessary in the writ petition. The writ petition as such is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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