



WEB COPY



W.P.No.1544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.1544 of 2024

1. F.Arockia Raj
2. R.Dinesh Kumar
3. V.Sundaram
4. Mr.Manoj Kumar
5. Mrs.Sumitra Devi
6. Mrs.Indira Jain .. Petitioners

v.

1. Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2. Mr.Mangalchand .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to stop and remove any unauthorised development, alteration and demolishing of the building at Very Old No.1 and New No.48, Present New No.88, Perumal Mudali Street, George Town, Chennai (Eastern Side of Perumal Mudali Street) and Old Door No.136 and New Door No.206, NSC Bose Road, George Town, Chennai 600 001 (Southern Side of NSC Bose



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Road) undertaken by the second respondent wherein all the petitioners run office.

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For Petitioners :: Mr.M.Aravind Subramanyam
Senior Counsel for Mr.N.Chandran

For Respondents :: Mr.Y.Bhuvanesh Kumar
Standing Counsel for R1
Mr.Vigneshwar Elango for R2

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

W.M.P.No.1558 of 2024 seeking to permit the petitioners to file a single writ petition stands allowed.

2. The petitioners seek for issuance of a writ of mandamus directing the first respondent to stop and remove any unauthorised development, alteration and demolishing of the building at Very Old No.1 and New No.48, Present New No.88, Perumal Mudali Street, George Town, Chennai (Eastern Side of Perumal Mudali Street) and Old Door No.136 and New Door No.206, NSC Bose Road, George Town, Chennai 600 001 (Southern Side of NSC Bose Road) undertaken by the second respondent, wherein all



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the petitioners run office.

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3. During the pendency of proceedings, this Court suggested a compromise between the petitioners and the second respondent, who is also one of the co-owners along with the petitioners. It appears that the parties have negotiated for settlement and based on such compromise, an affidavit of undertaking is filed by the second respondent.

4. The learned Senior Counsel appearing for the petitioners submitted that the writ petition may be closed by recording the undertaking given by the second respondent.

5. In the affidavit of undertaking, the second respondent has stated as follows:-

“1. That I am the 2nd Respondent herein and as such I am well conversant with the facts and circumstances of the case and am competent to swear to this affidavit.

2. I have had negotiations with the Petitioners who are my co-owners. We have mutually agreed that any maintenance or repair or structural alteration of the building will not be carried



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out by me, without the written concurrence of all the other co-owners. Any future repair/structural alteration or maintenance will be jointly done by us and hence I request this Hon'ble Court to take this affidavit on record and thus render justice.”

6. Placing on record the affidavit of undertaking given by the second respondent, this writ petition stands closed. Consequently, W.M.P.No.1559 of 2024 is also closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
31.07.2024

ss

To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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