



W.P.No.8094 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2024

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR JUSTICE C.KUMARAPPAN

W.P.No.8094 of 2024
and
W.M.P.Nos.9043, 9044 and 9047 of 2024

K.Damodaran

...Petitioner

Vs.

1. The Chairman CMDA,
No 1 Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. The Commissioner,
Greater Chennai Corporation
Ripon Building, 1st Floor,
Raja Muthiah Road, Periampet,
Chennai 600 003
3. The Zonal Officer,
Greater Grater Chennaai Corproation,
Ward No 101, Zone 98 Door No 36b,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600030.
4. The Executive Engineer,
Greater Chennai Corproation,
Zone 8, Ward 101,
No 13b / 36b Pulla Avenue,
Shenoy Nagar, Chennai 600 030.



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5. The Assistant Engineer,
Greater Chennai Corporation
Zone 8, Ward 101, Door No 36b,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.
6. M/s. India Builders
Represented by its Chairman,
Having Office At AA-36,
3rd Main Road 3rd Street,
Anna Nagar, Chennai 600 040.
7. Ravindran
8. The Superintending Engineer
Town and Country Planning Department,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
9. The Sub Registrar, Nalambur
The Sub-registrar,
Nalambur 576, Mogappair West,
Ambattur Industrial Estate,
Chennai 600 037.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd, 4th and 5th respondents to initiate action as against the illegal construction being raised by the 6th respondent at Plot No.148A, Door No 45, C block, 6th Cross Street, Anna Nagar East, Chennai 600 102, in violation of the approved plan and for consequential action.



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For Petitioner : Mr. Avinash Wadhwani

For Respondents : Mr. Y.Bhuvaensh Kumar,
Standing Counsel (for R1)
Mr. D.B.R.Prabhu,
Standing Counsel
(for R2 to R5 & R8)
Mr.Najeeb Usman Khan
(for R6 & R7)
Mr.S.John J.Raja Singh,
Additional Government Pleader
(for R9)

ORDER

*(Order of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The petitioner seeks a Mandamus, directing the respondents 3, 4, and 5 to initiate action against the illegal construction being raised by the 6th respondent at Plot No. 148A, Door No. 45, C Block, 6th Cross Street, Anna Nagar East, Chennai – 600 102.

2. Mr. Avinash Wadhwani, the learned counsel for the petitioner, would submit that the building plan has been granted on the basis of the patta, which he claims has been cancelled.



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3. The Executive Engineer, Zone-8, Greater Chennai Corporation,

viz., the fourth respondent, has filed a status report, which shows that the building has been constructed in accordance with a building plan and the deviations in the setback are very very minimal and are within the condonable limits.

4. In view of the said report, this Writ Petition is dismissed. It is open to the petitioner to agitate all these questions before a proper Civil Court and the jurisdiction under Article 226 is not for resolving title disputes. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(R.S.M., J.) (C.K., J.)

21.12.2024

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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