



WEB COPY



W.P.No.15209 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM :

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

W.P.No.15209 of 2023

K.Adhikesavan .. Petitioner

v.

1. The Chairman
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natrarajan Maligai
Egmore, Chennai 600 008

2. The Commissioner
Tambaram Corporation
No.28, Muthuranga Mudali Street
Tambaram West
Tambaram, Chennai 600 045

3. P.Rajesh .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to take action on the petitioner's representation dated 14.07.2022 within stipulated period fixed by this Hon'ble Court and remove the unauthorized construction put up by the 3rd respondent in T.S.No.79, as per Town Survey Ward No.G, Block No.50, Old Survey No.30/1 of an extent of 10900 sq.ft.,



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Adhilakshmi Second Cross Street, Rajeswari Nagar, Selaiyur, Chennai 600 073.

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For Petitioner :: Mr.K.Venkateswaran
For Respondents :: Mr.C.N.Vinobha
Standing Counsel for R1
Mr.P.Srinivas
Standing Counsel for R2
Mr.B.Harikrishnan for R3

ORDER

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

This writ petition is filed for issuance of a mandamus to the respondents 1 and 2 to take action on the petitioner's representation dated 14.07.2022 within a stipulated time, to remove the unauthorized construction put up by the third respondent in T.S.No.79, as per Town Survey Ward No.G, Block No.50, Old Survey No.30/1 to an extent of 10900 sq.ft., Adhilakshmi Second Cross Street, Rajeswari Nagar, Selaiyur, Chennai.

2. The case of the petitioner is that the third respondent has now obtained planning permission for putting up construction in a property



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owned by the third respondent. In the representation of the petitioner, it is stated that the petitioner and his family members are the absolute owners of the house site plot, in which the third respondent had obtained building plan permission. The representation was therefore to the effect that the third respondent had obtained planning permission by producing fabricated documents and hence to cancel the permission granted in favour of the third respondent.

3. Mr.P.Srinivas, learned Standing Counsel appearing for the second respondent states that the third respondent has obtained building licence by proceedings dated 12.06.2023 and that the building permission would be valid only upto 31.12.2024.

4. It is represented by the learned counsel for the third respondent that a civil suit is already pending and that the third respondent has obtained an order of injunction in his favour in respect of the same property.

5. Having regard to the above facts, this Court is of the view that the



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petitioner has now approached this Court in order to circumvent the interim order granted by the civil Court. Therefore, finding no merits whatsoever, this writ petition is dismissed. However, there is no order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
29.02.2024

ss

To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Thalamuthu Natrarajan Maligai
Egmore, Chennai 600 008
2. The Commissioner
Tambaram Corporation
No.28, Muthuranga Mudali Street
Tambaram West
Tambaram
Chennai 600 045



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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