



WEB COPY

W.P. No.23798 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.23798 of 2019 & W.M.P. No.23663 of 2019

Rajaguruvmammal

Petitioner

v

- 1 Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 2 The Corporation of Chennai
represented by its Commissioner
Ripon Buildings, Chennai
- 3 The Executive Engineer
Divisional Officer
Shenoy Nagar
Corporation of Chennai
- 4 The Assistant Engineer
Corporation of Chennai
Zone 10, Kodambakkam
Chennai
- 5 Ekambaram

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 23.07.2019 for stopping the ongoing construction carried on by the fifth respondent on the land comprised in T.S. No.99, R.S.No.236/1A1A and R.S. No.237/2A of Kodambakkam Village, Block



No.88 measuring an extent of 396.75 sq. ft. situated at Plot No.111, Annamalai Nagar III Street, West Mambalam, Chennai 600 033.

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For petitioner	Dr. K. Sundararaj
For R1	Mrs. P. Veena Suresh
	Standing Counsel
For RR 2-4	Mr.E.C. Ramesh
For R5	Mr. J. Ram

ORDER

(made by S. VAIDYANATHAN, J.)

According to the petitioner, who is a septuagenarian, the fifth respondent had started to put up construction in her land; hence, she addressed a representation dated 23.07.2019 to the official respondents seeking their intervention in the matter; finding no response, she has preferred this writ petition.

2 Concededly, in connection with the issue involved in this writ petition, a suit in O.S. No.4537 of 2019 on the file of the XV Assistant Judge, City Civil Court, Chennai, is pending.

3 On 26.08.2019, when this writ petition was taken up for admission, this Court directed the learned counsel for the petitioner to produce a copy of the plaint in O.S. No.4537 of 2019 on the file of the XV Assistant Judge, City Civil Court, Chennai. Yet, as on date, a copy of the plaint, as

directed, has not been produced by the learned counsel for the petitioner.



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4 The learned counsel for the fifth respondent submitted that as the dispute in this case is the subject matter in O.S.No.4537 of 2019, the matter will have to be adjudicated only by the Civil Court. However, he assured that building, if any, will be constructed only in accordance with law, after obtaining proper planning permission from the authorities concerned and that if there is any violation, the fifth respondent will set right the same.

Recording the aforesaid submission of the learned counsel for the fifth respondent, this writ petition is disposed of without prejudice to the rights of the parties in O.S. No.4537 of 2019 before the XV Assistant Judge, City Civil Court, Chennai. Costs made easy. Connected W.M.P. stands closed.

(S.V.N., J.) (K.R.S., J.)
01.02.2024

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W.P. No.23798 of 2019



S. VAIDYANATHAN, J.
and
K. RAJASEKAR., J.

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To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008
- 2 The Commissioner
Corporation of Chennai
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Chennai
- 3 The Executive Engineer
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