



WEB COPY



WP No.23052 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WP No.23052 of 2024

Periyasamy

... Petitioner

versus

- 1.The Greater Chennai Corporation,
Represented by its Commissioner,
Rippon Building, Chennai-3.
- 2.The Assistant Engineer,
The Greater Chennai Corporation,
AE/DN-95, 2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai-600030.
- 3.The Assistant Executive Engineer,
The Greater Chennai Corporation,
Unit 21, 2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai-600030.
- 4.The Executive Engineer,
The Greater Chennai Corporation
Zone-08, 2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai-600030.



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5.D.Santhakumar

6.Indra

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, to call for the records of the fourth respondent by its Letter No.Zone VIII C.No.5474/2024 dated 18.07.2024 and quash the same and further direct the respondents 1 to 4 to follow the order dated 21.02.2024 in W.P.No.34389 of 2022 by this Court and pass orders.

For the Petitioner

:Mr.S.Arivazhagan
for Mr.T.Rajarathinam

For the Respondents

:Mrs.Aswini Devi
Standing Counsel
for respondents 1 to 4

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed, challenging the order of the fourth respondent by its Letter No.Zone VIII C.No.5474/2024 dated 18.07.2024 and for a direction to the respondents 1 to 4 to follow the order dated 21.02.2024 in W.P.No.34389 of 2022 by this Court.

2. It is seen that the writ petitioner has earlier filed a writ petition in WP No.4031 of 2021 seeking for a direction to the respondents 1 to 4



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herein to issue notice and give an opportunity before taking coercive steps in respect of property in the ground floor of the premises bearing Door No.1/1A/27, O-Block, II Phase, Agathiyar Nagar, Chennai- 600049. The said writ petition was disposed of on 19.02.2021, recording the statement of the petitioner that he is ready and willing to vacate the portion of the premises under his occupation for residential purpose, within a period of four weeks, from the date of receipt of a copy of that order, and the writ court further directed the respondent Corporation to defer further proceedings insofar the premises under occupation of the petitioner till such time and in the event to non compliance of that order, shall proceed further in accordance with law and complete the exercise within a period of six weeks thereafter and communicate the decision taken, to the petitioner, fifth respondent and the persons concerned. The said order has not been challenged by the petitioner and the same has become final.

3. The petitioner has filed the present writ petition by relying on W.P.No.34389 of 2022, which was filed by the landlord. In that writ petition, the order was passed in favour of the landlord. The petitioner is



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taking benefit of the order passed by this Court in favour of the landlord and he is making an attempt to interfere with the possession of the property in question.

4. Since the order in W.P.No.4031 of 2021 has attained finality, we are not satisfied with the reasons stated by the petitioner. Hence, we are not inclined to entertain this writ petition for the payer as sought for by the petitioner. If at all the petitioner is having any grievance, he has to work out his remedy in the manner known to law, but not by filing a fresh writ petition seeking for the aforesaid prayer.

5. With the above, the writ petition stands dismissed. There shall be no order as to costs. W.M.P.Nos.25141 and 25142 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B., J.)
14.08.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



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THE HON'BLE ACTING CHIEF JUSTICE

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P.B. BALAJI, J.

(mrn)

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