



W.P.No.24238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM :

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

W.P.No.24238 of 2023

Bala N.Vinoth Kumar

..

Petitioner

v.

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003
2. The Deputy Commissioner
(Buildings and Planning)
Greater Chennai Corporation
Rippon Building
Chennai 600 003
3. The Assistant Commissioner
Greater Chennai Corporation
Zone 12, Alandur Zone
Chennai 600 016
4. The Assistant Executive Engineer
Greater Chennai Corporation, Zone-12
Alandur Zone, Chennai 600 016



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5. The Assistant Engineer
Tamil Nadu Electricity Board
Adambakkam, Chennai 600 088

6. The Area Engineer, Zone 12
Chennai Metro Water & Sewerage Board
No.1, New Street, Alandur
Chennai 600 016

7. Jamaludeen

8. Habeeb Rahman

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to dispose of the petitioner's representation and direct the respondents/officials to take appropriate action to prevent the unauthorized/illegal construction that is being put up in the land earmarked as communal and recreational purpose comprised in Survey No.69/3 at Jeevan Nagar 2nd Street, Adambakkam, Chennai-88.

For Petitioner :: Mr.H.Rajasekar

For Respondents :: Mr.D.B.R.Prabhu
Standing Counsel for R1 to R4
No appearance for R5
Ms.K.Vasanthamala for R6
Mr.S.Haja Mohideen Gisthi for R7
Mr.D.Selvam for R8



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ORDER

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

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This appears to be a litigation claiming to be in public interest, whereas the motive behind the filing of the writ petition is to coerce or blackmail the persons who have put up constructions with minor deviations.

2. The petitioner states that larger extent of land comprised in Survey No.69/3 at Adambakkam Village, Alandur Municipality, then Kancheepuram District, which has now been brought under the Greater Chennai Corporation, is developed on the basis of layout formed by its owner in the year 1975. It is stated that in a total extent of 4 acres, 39 plots were formed with different extent and boundaries and the entire area is known as Jeevan Nagar Second Street, Adambakkam, Chennai 600 088. It is the case of petitioner that an extent of 4 grounds of land, which is earmarked for communal and recreational purpose, have been sold to various persons and that the subsequent purchasers have also put up illegal constructions in deviation of the approved planning permission. The



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petitioner submitted a representation dated 20.06.2023 to the official respondents to take action against such illegal constructions. Since no action has been taken on the said representation, the petitioner has preferred this writ petition.

3. A status report is filed by the fourth respondent showing that the deviations are very minor.

4. The private respondents have stated that the petitioner has no locus standi, as he is not presently staying in the locality. Having regard to the allegations made, the private respondents submit that the writ petition is only to extract money from the private respondents. It is further stated that the same petitioner, who had earlier filed petitions before the statutory authorities for demolition of the unauthorized constructions, have withdrawn such objections later once he is successful in sticking a deal with the promoter or interested.

5. The status report filed by the official respondents would indicate



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that the private respondents have obtained planning approval before construction and that there are minor deviations which are tabulated in the said report.

6. Having regard to the above facts, this Court proposes to examine the issue relating to the locus standi of the petitioner. It is stated by the petitioner that he is residing in a rental house at Door No.30-A, Ellamuthamman Koil Street, Palavanthangal, Chennai. However, the petitioner further states that he had vacated the said house and presently residing with his family in a portion of his maternal aunt's house in Thillai Ganga Nagar Fourth Street, Nanganallur, Chennai, which is 200 metre away from the development of respondents 7 & 8. His political affiliation with a party is also admitted by him in the affidavit. The petitioner has not produced any verifiable material to show that he has now shifted his residence near or around the construction put up by the respondents 7 & 8. Having regard to the nature of allegation and the contention of the official respondents that the development was after obtaining planning permission, but there were only minor deviations, this Court finds no public interest



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involved and that the petitioner's writ petition cannot be entertained.

Accordingly, for want of bona fides, this writ petition is dismissed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
20.03.2024

ss

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