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W.P.No. 30695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

And

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No. 30695 of 2023

and

WMP.No. 30353 of 2023

J. Sathyabama

...Petitioner

Versus

1.The Member Secretary
Chennai Metropolitan Development Authority
No. 1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. The Commissioner,
Tambaram City Municipal Corporation
Tambaram West, Tambaram
Chennai - 600 043.

3.A. Ananthan

4.A.Mani



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- 5.A.Periasamy
- 6.Baskaran
- 7.B. Indira Kumari
- 8.B. Jayapal
- 9.B. Nallappan
- 10.B. Natarajan
- 11.B.Palaniappan
- 12.B.Subramani
- 13.C.Ravikumar
- 14.Chandrammal
- 15.C.Krishnan
- 16.C.Matheswaran
- 17.C.Parathasarathy
- 18.C.Rajan
- 19.Devaki
- 20.Elammal
- 21.G. Sampath Kumar
22. Gurunathan Shankaran
23. J. Lakshmi Narayanan
24. K. Athiappan
- 25.K. Aarathiyappan Nadar
- 26.K. Adithya Pandiyan
27. K. Elumalai
- 28.K. Jayaraman
- 29.K. Sundaramurthy
- 30.K. Vijayaseeli
- 31.M. Palani
- 32.M. Sundararaj
- 33.M. Mahesh
- 34.M. Saratha



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- 35.M. Subramani
36.N. Krishna Prakash
37. P. Jayakumar
38. P. Nagarajan
39. P. Saravanan
40. P. Subramaniyam
41. Paapathi
42. P. Balaraman
43. P. Machi Naidu
44. P. Nagarajan
45. P. Palaniappan
46. P. Panmaya Mary
47. P. Perumal
48. P. Ramasamy
49. R. Mangai
50.R. Duraisamy
51.R.Kandhasamy
52.R. Saraswathi
53.S.Amudha
54.S. Govindammal
55.S.Tamilselvi
56.S. Baluraj
57.S. Kanchi Kumar
58.S. Sekar
59.S.Sithiraivel
60.S. Udayasuriyan
61.T.Muthu Krishnan
62. T. Parthiban
63. T.Suseela
64.V.Aranganayaki



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65.V.Duraisamy

66.Vembuli

67.V.Govindaraj

68.V.Govindhasamy

69.V.M. Perumal

70.V.Nagarajan

71. V.Vimalanathan

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
praying for the issuance of a Writ of Mandamus directing the respondents
1&2 to remove unauthorized construction put up by the respondents 3 to 71
in the first and second Main Road, Mummurthy Nagar, Chromepet,
Chennai - 600 044.

For Petitioner	:	Ms.A.Radha
For R1	:	Mr.R. Thamaraiselvan
		Standing Counsel
For R2	:	Mr.P. Srinivas
For RR 3, 5, 7, 10, 11, 15, 16,	:	Mr.M.K.Sathish



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18 to 21, 23, 33 to 35, 40 to 44, :
46, 48, 52, 54, 55, 58 to 63, 66 :

ORDER

[Order of the Court was made by S.S.SUNDAR, J]

This Writ Petition is filed for issuance of Writ of Mandamus, directing respondents 1 and 2 to remove unauthorized construction put up by the respondents 3 to 71 in the first and second Main Road, Mummurthy Nagar, Chromepet, Chennai - 600 044.

2. Mr.M.K. Sathish, learned counsel has appeared, today, before this Court and submitted that he is filing Vakalath for many private respondents who have been impleaded as parties. Though the writ petitioner has filed the writ petition for demolition of unauthorized construction by the respondents 3 to 71 without obtaining planning permission, it is seen that the constructions have come long back and all the



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persons have purchased the property from different developers long back.

Despite this Court finds that the development had come long back, the petitioner has not produced any records to show that the petitioner was raising objections to such unauthorised constructions when the constructions were put up by different persons. It is stated that all the private respondents have purchased plots and developed the property by spending huge money. The present writ petitioner who did not raise his little finger for a long time, has come forward with the present writ petition for demolition of unauthorized construction on the only ground that he is the owner of the premises in which the construction have come. This Court is unable to see factual basis tracing the title of the petitioner's in the affidavit. As the original owner of the property in which the development has taken place, the petitioner should approach the Civil Court for appropriate relief for recovery of possession from the several private respondents who are 3 to 71. Petitioner claim's title through a settlement



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deed executed by one Mrs.D.Jayamani, in respect of undivided half share and an extent of 2.10 Ares. Except the settlement deed no other revenue document or verifiable material is produced to accept the case of title. Be that as it may, not, even a legal notice is issued to the private respondents informing them as to her source of title. The bonafides of the petitioners' claim is doubtful.

3. The learned counsel appearing for the private respondents further submitted that several private respondents are no more and the petitioner does not have any particulars of many persons who have put up construction and their whereabouts.

4. In such circumstances, this Court is not inclined to entertain in this writ petition as the object of the litigation appears to be extraneous especially when the petitioner ought to have availed effective alternative



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remedy. It is open to the petitioner to file a Civil Suit before the Civil Forum for appropriate relief to recover the property as such from the private respondents on proof of title and possession within the statutory period. In case, the petitioner establishes his ownership or title of the property, he may get consequential relief. This Court is not inclined to entertain this writ petition at the instance of the petitioner who has only relied a few police complaints without records to substantiate his claim.

5. The private respondents have invested money for the development of the lands and huge constructions have come as seen from the photographs. It may also be open to the official respondents to initiate action on their own, if the development has taken place without any planning permission or approval.

6. As a result, the Writ Petition is dismissed for want of



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bonafides. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R., J] [N.S., J]
08.02.2024

MSM

Index : Yes/No

Internet : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

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