



WEB COPY



WP No.30329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B. BALAJI

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1.M/s.W.L.Marrian India Pvt.Ltd.
Represented by its Managing Director,
P.Venugopal Reddy,
No.810 & 811, New No.122,
Anna Salai, Chennai-600 002.

2.M/s.Hotel Nirmala
Represented by its Proprietor,
P.Venugopal Reddy,
No.810 & 811, New No.122,
Anna Salai, Chennai-600 002.

... Petitioners

versus

1.The Commissioner,
Corporation of Greater Chennai,
Ripon Building, Chennai-600 003.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road



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Egmore, Chennai- 600 008.

3.The Regional Office,
Corporation of Chennai,
Chintadripet, Chennai-600 002.

4.M/s.Goldpet Polymenrs Ltd.,
Represented by its Director Mr.R.Kandan,
F3, Vummidiar's Shopping Centre,
Old No.811, Anna Salai,
Chennai-600 002.

5.Sri.G.Ravindran

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents 1 to 2 not to entertain any application from the fourth respondent for demolition and also for new sanction plan of the property morefully described in the petition bearing Door No.810 & 811, New No.122, Mount Road, Anna Salai, Chennai-600 002, in view of the decree obtained by the petitioner against the fourth respondent in O.S.No.4392 of 2012 dated 26.02.2018, O.S.No.10099 of 2010 dated 11.12.2018 passed by XIV Asst. Judge, City Civil Court.

For Petitioners : Ms.P.Subba Reddy

For Respondents : Mr.S.Gopinathan
Standing Counsel for Corporation
for respondents 1 and 3
Mr.C.Manoharan
Standing Counsel for CMDA
for second respondent
Mr.M.L.Sripathi
for fourth respondent
fifth respondent- Not ready notice



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ORDER

(Made by D. KRISHNAKUMAR, J.)

Writ petition is filed for a direction to the respondents 1 to 2 not to entertain any application from the fourth respondent for demolition and also for new sanction plan of the property morefully described in the petition bearing Door No.810 & 811, New No.122, Mount Road, Anna Salai, Chennai-600 002, in view of the decree obtained by the petitioner against the fourth respondent in O.S.No.4392 of 2012 dated 26.02.2018, O.S.No.10099 of 2010 dated 11.12.2018 passed by XIV Asst. Judge, City Civil Court.

2. Learned counsel for the petitioners submit that petitioners are tenant under the fourth respondent. Therefore, the petitioners have filed the writ petition not to grant any permission for demolition and for granting any planning approval in the property in question.

3. Learned counsel appearing for the private respondent has



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stated before this Court that demolition permission has already granted on 15.04.2024 by the Town and Planning Section-Royapuram for the property in question. A copy of the same has also been placed before this Court. Therefore, the prayer as sought for the petitioners cannot be granted by this Court in view of the demolition order.

4. This writ petition cannot be entertained under Article 226 of the constitution of India, for claiming petitioners' right as against the demolition and planning permission from the concerned authority. Further, the petitioners are having remedy before the Civil Court as against the landlord. Therefore, we are not inclined to entertain the writ petition as there is no merit in the writ petition. Consequently, the writ petition stands dismissed. There shall be no order as to costs. Consequently, W.M.P.Nos.33027 and 33028 of 2024 are closed.

(D.K.K., J.) (P.B.B., J.)
24.10.2024

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

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