



WMP.No.35513 of 2023 and WMP.No.4522 of 2022

WMP.No.35513 of 2023 in WP.No.8616 of 2020
and
WMP.No.4522 of 2022
in Rev.Aplw.SR.No.10102 of 2022

S.S.SUNDAR, J.
and
KRISHNAN RAMASAMY, J.

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

WMP.No.35513 of 2023 is filed to grant leave to recall the order in Writ Petition in WP.No.8616 of 2020 dated 29.06.2020. WMP.No.4522 of 2022 is filed to grant leave to the third party to file review petition against the order dated 29.06.2020 in WP.No.8616 of 2020.

2. The petitioner is not a party to the Writ Petition in WP.No.8616 of 2020, which is filed by one Vinothkumar, who is the first respondent in WMP.No.35513 of 2023 and third respondent in WMP.No.4522 of 2022. As against the said Vinothkumar, an order was passed by the first respondent in the Writ Petition to lock and seal the premises bearing Door No.7/15, Karunambigai Colony, Velachery, Chennai. Since the said Vinothkumar did not find any ground to challenge the said order, came up before this Court for issue a Writ of Mandamus directing the official respondents to forthwith remove the lock and seal in respect of the premises so as to enable him to



WMP.No.35513 of 2023 and WMP.No.4522 of 2022

rectify and restore the said premises in conformity with the sanctioned plan on the basis of his representation dated 08.06.2020. The prayer was considered by this Court and by an order dated 29.06.2020 in WP.No.8616 of 2020, the Writ Petition was disposed of in the following lines:

"5. After hearing either side, this Court is constrained to pass the following order:

The respondents are directed to remove the lock and seal in respect of the said premises within a period of one week from the date of receipt of this order and thereafter, the petitioner shall rectify the violations in construction in conformity with the sanctioned plan on or before 31.08.2020. In case, the petitioner fails to rectify the violations on or before 31.08.2020, the respondents are at liberty to proceed further in accordance with law."

3. After disposal of the Writ Petition, the petitioner herein, who is a third party to the Writ Petition, has filed this petition mainly on the ground that he is also a necessary and proper party and the permission granted by this Court to the first respondent in WMP.No.35513 of 2023 and third respondent in WMP.No.4522 of 2022/Writ Petitioner to demolish the unauthorised construction by himself will affect the rights of the petitioner herein. The petitioner claims leasehold right in respect of the premises, which is not the subject matter which can be considered in the Writ Petition.



WMP.No.35513 of 2023 and WMP.No.4522 of 2022

WEB COPY

4. It is not in dispute that the Writ Petitioner is the person against whom, the order of sealing and demolition of the property is passed. Since the unauthorised construction itself was put up by the Writ Petitioner, the petitioner can not even implead himself in the Writ Petition. Hence, this Court is of the view that the petitions filed by the petitioner cannot be entertained. Therefore, finding no merit in these petitions, these petitions are dismissed.

5. It is made clear that the order passed in the Writ Petition will not affect the petitioner's right, which he may have against the Writ Petitioner. If the petitioner has any independent cause of action for removal of unauthorised construction, it is open to him to approach this Court or Civil Court seeking appropriate relief.

(S.S.S.R.J.) (K.R.J.)
08.03.2024

pvs



WMP.No.35513 of 2023 and WMP.No.4522 of 2022

S.S.SUNDAR, J.
and
KRISHNAN RAMASAMY, J.

pvs

WMP.No.35513 of 2023 in WP.No.8616 of 2020
and
WMP.No.4522 of 2022
in Rev.Aplw.SR.No.10102 of 2022

08.03.2024