



W.P.No.1457 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

W.P.No.1457 of 2025
&
W.M.P.Nos.1703 to 1705 of 2025

1. M.Gowri
W/o.Late Murugaiyan
2. D.Roja
W/o.Late Deenadayalan
3. R.Gopinath
S/o.Ranganathan

... Petitioners

Vs.

1. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai – 600 003
2. The Executive Engineer
Zone-7
Greater Chennai Corporation
No.536, CTH Road, Ambattur
Chennai – 600 053



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3. The District Collector
Masterplan Complex
Tiruthani Road
Jaya Nagar
Tiruvallur – 602 001

4. The Tahsildar
Tiruvallur High Road
Gandhi Nagar, Ambattur
Chennai – 600 053

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for concerned records relation to the order No.Z.O.VII.C.No.6745-3, 6745-4 and 6745-6/2023 dated 17.11.2023 passed by the 2nd respondent and quash the same and consequently direct the respondents to consider the petitioners' representation dated 18.01.2024 within the time that may be fixed by this Court.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.E.C.Ramesh
Standing counsel for R1 and R2

Mr.P.Gurunathan
Addl. Govt. Pleader for R3 and R4



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ORDER

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(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The writ on hand has been instituted challenging the notices dated 17.11.2023 directing the writ petitioners to remove the unauthorized construction within seven days from the date of receipt of the copy of the impugned order failing which the Corporation will be constrained to issue notice under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 as per due process of law. Such a notice would provide no cause for institution of writ proceedings.

2. On an earlier occasion, the Greater Chennai Corporation issued a notice dated 27.09.2023 invoking Section 128 of Tamil Nadu Urban Local Bodies Act, 1998. Thereafter, two civil suits have been instituted in O.S.Nos.237 and 242 of 2023 on the file of District Munsif Court at Ambattur. During the pendency of the suit, the present writ petition is not entertainable, more so when the writ petitioner is attempting to prolong and protract the further actions to be initiated by Greater Chennai Corporation by following due process of law. The Courts cannot pave way for such persons who are attempting to thwart the legal proceedings initiated by the competent authority



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by following due process of law. If at all any right exists to the petitioner, it is to be established before the competent civil Court where the civil suits are pending. Therefore, the petitioner has not established any cause for entertaining the present writ petition and the respondent Chennai Corporation is at liberty to proceed with the matter by following due process of law and complete the same as expeditiously as possible.

The writ petition is dismissed with the above observation. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S., J.] [V.L.N., J.]
17.01.2025
(2/2)

Index: Yes/No
Neutral Citation: Yes/No
gpa



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