



WP No. 9901 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No. 9901 of 2025

and

W.M.P.No.11121 of 2025

Swathi Apartments Welfare Association,
Reg.No.247/1989 by its Building
Committee Member,
C.N.Balamurugan,
258/12 East Main Road,
Annanagar West Extension,
Chennai 600 101.

Petitioner(s)

The Commissioner,
Greater Chennai Corporation,
Ripon Building No.1131,
EVR Periyar Salai, Park Town,
Chennai, Tamil Nadu 600 003.

Respondent

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondent from erecting a Row of 15 Bunk shops on the pedestrian pavement adjoining the Compound Wall of Swathi Apartments at East Main Road, Annanagar West Extension Chennai 101 and pass such other orders as this Court may deem fit and necessary.



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For Petitioner(s): Ms.S.R.Sumathy

For Respondent(s): M/s.K.Ashwini Devi
Standing Counsel

ORDER

This Writ Petition is filed for issuance of a writ of mandamus to forbear the respondent from erecting a Row of 15 Bunk shops on the pedestrian pavement adjoining the Compound Wall of Swathi Apartments at East Main Road, Annanagar West Extension Chennai 101.

2. M/s.K.Ashwini Devi, learned Standing Counsel, takes notice on behalf of the respondent. By consent of the parties, the main Writ Petition is taken up for disposal at the time of admission stage itself.

3. The case of the petitioner is that the Swathi Apartments Welfare Association consists of 24 residential flats and within a radius of 400 to 500 meters of the petitioner-Apartments, there are five schools and two marriage halls are situated nearby the petitioner-Apartments, all these causes heavy traffic on the East Main Road. It is stated that adjoining to the petitioner-Apartments compound wall, there



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is a pedestrian pavement laid several years ago, which starts from Thirumangalam Police Station Junction till the end of the East Main Road. The said pedestrian pavement is used by the General Public, students at large number as this road is a traffic filled road. However, on 28.02.2025, the Officials of the respondent entered upon the pedestrian pavement and earmarked the pedestrian pavement adjoining the compound wall of the petitioner's Apartments, for erecting a row of 15 bunk shops. Pursuant thereto, the inhabitants of the petitioner's Apartments caused an email to the respondent and to the Hon'ble Chief Minister's Grievance Cell and Chief Engineer Metro Water Chintadripet, Chennai, stating that underneath the pedestrian pavement storm water drain has been laid several years ago, and it is still in usage. Further, Metro water line, drainage line, piped gas lines are passing through the pedestrian pavement. It is also stated that if the respondent erects a row of bunk shops, it would cause lot of nuisances to the residents of the petitioner 24 residential apartments and also to the road users at large. Therefore, the petitioner-Apartments residents made a representation on 01.03.2025 before the respondent, seeking to withdraw the proposed commercialisation of the petitioner's peaceful residential locality. However, the said representation was not considered by the respondent. Hence, the petitioner



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filed the present writ petition.

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4. The learned counsel for the petitioner submitted that, it would suffice if this Court issues a direction to the respondent to consider the petitioner's representation dated 01.03.2025 and pass orders on the same within a particular time frame that may be fixed by this Court.

5. M/s.K.Ashwini Devi, learned Standing Counsel appearing for the respondent would submit that the petitioner's representation dated 01.03.2025 will be considered by the respondent and orders passed within the time frame fixed by this Court.

6. Heard both sides and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side and taking into consideration the facts and circumstances and also the relief sought for in this writ petition, this Court directs the respondent to consider the petitioner's representation dated 01.03.2025, on its own merits and pass appropriate orders in



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accordance with law, after giving due notice to the petitioner and affording an opportunity of personal hearing to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, this writ petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

25.03.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

The Commissioner,

Greater Chennai Corporation,

Ripon Building No.1131,

EVR Periyar Salai, Park Town,

Chennai, Tamil Nadu 600 003.



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