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W.P.No.11907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.11907 of 2025

St.Joseph's Charity Trust,
Represented by its Secretary,
N.Bright Samson,
No.8, 1st Street,
Teacher's Guild Colony,
Villivakkam, Chennai - 600 049.

... Petitioner

Vs.

1. The Deputy Secretary to Government,
Housing and Urban Development (UD VI) Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
3. The Chennai Metropolitan Development Authority (CMDA),
Represented by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

... Respondents



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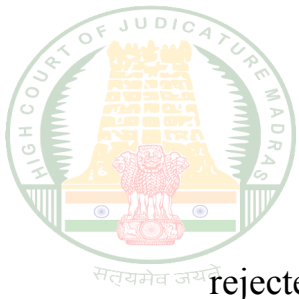
Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, to direct the 1st respondent to consider the representation of the petitioner dated 19.01.2025 and process the appeal without insisting upon the title documents and by scrutinizing the planning permission on all other aspects.

For Petitioner	: Mr.S.Jaganathan
For Respondents	: Mr.E.Veda Bagath Singh Special Government Pleader for R1 : Mr.E.C.Ramesh Standing Counsel for R2 : Mr.Akhil Akbar Ali Standing Counsel for R3

ORDER

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

The writ on hand has been instituted to direct the first respondent Government to consider the representation submitted by the petitioner on 19.01.2025 and process the appeal without insisting upon the title documents by scrutinizing the planning permission. The relief as such sought for is absolutely misconceived in view of the fact that building plan application if any submitted must be scrutinized scrupulously in accordance with law.



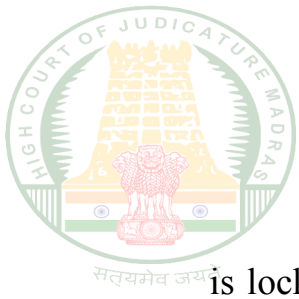
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2. In the present case, the building plan permission was already rejected in the case of the petitioner on the ground that they have not produced the title documents in the year 2005 itself. Admittedly, the building was constructed without any building plan permission and thus the subject building is 'wholly unauthorized'.

3. The learned Counsel for the petitioner would submit that the title dispute is pending before the civil Court of law. During the pendency of the title dispute, the competent Authority cannot grant building plan permission, which would cause prejudice to either of the parties, since the civil rights between the parties are yet to be crystallized.

4. In the present case, without any building plan permission, the petitioner has constructed a building. During the course of inspection, the Authorities found that the building is 'wholly unauthorised' and constructed without building plan permission, initiated enforcement action and locked and sealed the premises. The Lock and Seal was made pursuant to the orders of this Court dated 19.12.2024 in WP.No.35271 of 2024.

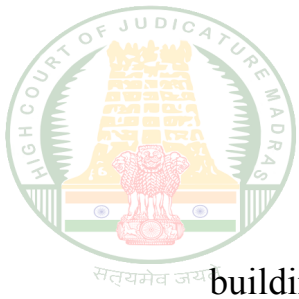


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5. Since the enforcement action has been initiated and the building is locked and sealed, the petitioner submitted a representation to the Deputy Secretary to Government / first respondent and filed a writ petition seeking direction to dispose of the representation.

6. High Court is not expected to issue a direction to dispose of the representation in a routine manner. Even for issuance of direction to consider the representation, a person filing the writ petition must establish his right or infringement of any right. In the absence of any right, the Courts are not expected to issue any direction and such a direction if issued, in a routine manner would do no service to the cause of justice. But the litigant will be back again by filing another writ petition by restoring the dead cause of action. Such practices would pave way for the litigant to indulge in corrupt activities in Government Departments. The orders of the High Court to dispose of the representation on some occasions abused by the litigants. Therefore, in the absence of establishing any right, constitutional remedy by the writ court need not be granted.



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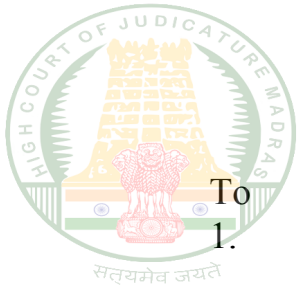
7. In the present case, in the year 2005 itself the application for building plan permission was rejected. Admittedly, title dispute is pending before the civil court of law. The Authorities in the absence of producing title deeds, may not be in a position to consider the application. Thus, they have initiated enforcement action, since the building is 'wholly unauthorized.'

8. Thus Court do not find any infirmity in respect of the enforcement action initiated pursuant to the orders of this court passed in W.P.No.35271 of 2024. The respondents are directed to continue the enforcement action and conclude the same as expeditiously as possible.

Accordingly, the Writ Petition stands **dismissed**. No costs.

[S.M.S,J.] [K.R.S,J.]
02.04.2025

veda
Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No



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- To
1. The Deputy Secretary to Government,
Housing and Urban Development (UD VI) Department,
Secretariat, Chennai - 600 009.
 2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
 3. The Chennai Metropolitan Development Authority (CMDA),
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