



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

WEB COPY

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.14420 of 2025

G.Munusamy

Petitioner(s)

Vs

1.The Additional Chief Secretary/Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

2.The Zonal Officer,
Zone 8, Greater Chennai Corporation,
No.36B, Fulla Avenue,
Senoy Nagar, Chennai-30.

3.The Assistant Executive Engineer,
Unit 21, Zone 8, Greater Chennai Corporation,
No.36B, Fulla Avenue,
Senoy Nagar, Chennai -30.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to demolish the additional floors (second and third floor) in the premises of No.44/30 Pachikkal Veerasamy Street, Ayanavaram, Chennai - 600 023 by considering the representation submitted by the petitioner dated 06.11.2024.



WEB COPY

WP.No.14420 of 2



For Petitioner: Mr.K.Karthikeyan

For Respondents: M/s.K.Aswini Devi,
Standing Counsel

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to demolish the additional floors (second and third floors) in the premises of No.44/30 Pachikkal Veerasamy Street, Ayanavaram, Chennai - 600 023, by considering the representation submitted by the petitioner dated 06.11.2024.

2. The Petitioner is the eldest son among eleven legal heirs of late Govidan. After the demise of his parents - his mother in 1993 and father in 2010 - the petitioner continued maintaining the joint family and took care of the family responsibilities, including his siblings' marriages. Following disputes regarding enjoyment of the ancestral property, the petitioner filed a partition suit in O.S.No. 8243 of 2011 before the IV Assistant City Civil Court, Chennai, seeking division of the property into eleven equal shares. The suit challenged a partition deed (Doc.No.2180/2011) executed by three of his brothers without the knowledge of the remaining heirs. A preliminary decree was passed on



12.02.2014 in favour of the petitioner. Subsequent appeals and second appeals

filed by the petitioner's brothers were dismissed at every stage, including

S.A.No.81 of 2020 by the Hon'ble High Court on 07.11.2024, thereby

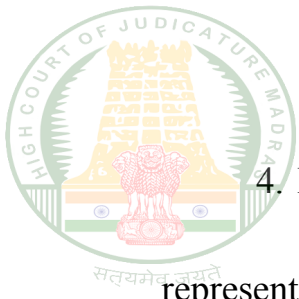
confirming the preliminary decree. Meanwhile, the petitioner's brothers also

filed a testamentary original suit (TOS No.3 of 2019), which is pending. An

interim order was passed restraining the respondents from dealing with the

property without prior permission of the Court.

3. Learned counsel for the petitioner submits that the petitioner's brothers have disturbed his peaceful enjoyment of the property despite the civil court decree. Further, he submits that the respondents have constructed an additional floor on the property without obtaining proper planning permission and in violation of court orders. He submits that such actions not only contravene municipal regulations but also amount to disobedience of the High Court's Interim Order in O.S.A.No.82 of 2021. Hence, he has approached this court through a Writ Petition.



WEB COPY

4. Learned Standing Counsel appearing for respondents submits that the representation of the petitioner dated 06.11.2024 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

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

6. Without going into the merits of the case, **the 2nd and 3rd respondents are directed to consider the representation of the petitioner dated 06.11.2024 after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing, taking into consideration all the relevant documents submitted by the petitioner in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.**

In the result, the **writ petition stands disposed of with the above observations and direction.** No costs.

25.06.2025

cda/dsn

Index: Yes/No

Speaking/Non-speaking order



To

WEB COPY

1.The Additional Chief Secretary/Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

2.The Zonal Officer,
Zone 8, Greater Chennai Corporation,
No.36B, Full Avenue,
Shenoy Nagar, Chennai-30.

3.The Assistant Executive Engineer,
Unit 21, Zone 8, Greater Chennai Corporation,
No.36B, Full Avenue,
Shenoy Nagar, Chennai -30.



WEB COPY

WP.No.14420 of 2



N.MALA,J.

cda/dsn

WP.No.14420 of 2025

25.06.2025