



W.P.No.535 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.No.535 of 2021

Usha Rani

...Petitioner

Vs.

1.The Corporation of Commissioner of Chennai,
Rippon Building, Chennai – 600 003.

2.The Assistant Commissioner of Chennai,
Zone VI, Corporation of Chennai,
Thiruvottiyur High Road,
Chennai – 600 021.

3.The Assistant Engineer (Revenue),
Ward No.41, Zone-IV, Tondiarpet,
Corporation of Chennai,
Chennai – 600 081.

4.The Commissioner of Police,
Chennai Police Commissionerate,
Vepery, Chennai – 600 007.

5.The State Rep. by its
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai – 600 021.



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6.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai – 600 005.

7.Amjath Khan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representation sent by the petitioner herein dated 02.02.2020 and to initiate appropriate action as per Chennai Metro Corporation Act and to demolish the building situated at No.389, 3rd Cross Street, J.J.Nagar, Korrukupet, Chennai – 600 021, constructed in respected of illegal construction by the 7th respondent herein and also direct the 4th and 5th respondents to take criminal action against the 7th respondent.

For Petitioner	: Dr.G.Krishnamurthy
For R1	: Mr.E.C.Ramesh, Standing Counsel
For R2	: No Appearance
For R3 to R5	: Mr.K.Suresh, Government Advocate
For R6	: Mr.M.Rajasekhar
For R7	: Mr.D.Muthukumarappa



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ORDER

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

The grievance of the petitioner is that the 7th respondent has put in an unauthorized construction at No.389, 3rd Cross Street, J.J.Nagar, Korrukupet, Chennai and therefore sought for issuance of a Writ of Mandamus for removal of the same and for taking criminal action against the 7th respondent herein.

2. While the Writ Petition was pending, the petitioner herein has preferred a suit in O.S.No.809 of 2021 before the VII Assistant City Civil Court, Chennai, seeking for a similar relief of mandatory injunction to demolish the construction put up at No.389, 3rd Cross Street, J.J.Nagar, Korrukupet, Chennai. In the written statement filed in the said Suit, the 7th respondent herein had taken a specific plea that the petitioner has suppressed the pendency of the Writ Petition. The VII Assistant Judge, City Civil Court, Chennai, on the basis of the oral and documentary evidences before it, had dismissed the Suit on 20.09.2025, by holding that the plaintiff had failed to establish her case.



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3. It is brought to the notice of this Court that pending the Writ Petition, this Court had passed an interim order on 11.01.2021, calling upon the 3rd and 6th respondents to file a status report with regard to the alleged encroachments.

4. When this Court has seized off the matter, we fail to understand as to how the petitioner has preferred a Suit, by suppressing the pendency of the Writ Petition. However, without reference to this fact, when the Civil Court had properly appreciated the evidences before it, both oral and documentary, this Court, in exercise of the powers under Article 226 of the Constitution of India, will not further venture to adjudicate the claim of the petitioner.

5. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

[M.S.R.,J] [R.S.V.,J]
27.10.2025

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-Speaking Order
hvk



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