



W.P.No.33532 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.33532 of 2025

&

W.M.P.Nos.37678 & 37679 of 2025

1. Mukesh Kumar Chaudhari
2. P.Mahavir Raj Chaudhari .. Petitioners

Vs.

1. The Principal Secretary to Government
Housing & Urban Development Department
Fort St. George, Chennai 600 009.
2. The Chennai Metropolitan Development Authority
Rep. by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
3. The Greater Chennai Corporation
Rep. by its Commissioner
Ripon Buildings
Chennai 600 003.
4. The Executive Engineer
Division V, Greater Chennai Corporation
No.61, Basin Bridge Road
Old Washermenpet, Chennai 600 021.



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5. M/s. Euro Architrade Pvt. Ltd.
Rep. by its Managing Director
Pradeep Kumar Mohta
No.146, Sydenhams Road
Opp. Nehru Indoor Stadium
Periamet, Chennai 600 003.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the entire records on the file of the 3rd and 4th respondent herein in respect of the order passed Zone-V/C.No/3800/2025 dated ..04.2025 received by the petitioners on 21.05.2025 and quash the same and consequently direct the 1st to 4th respondents to take appropriate legal action against the unauthorised construction put up by the 5th respondent at Corporation Door No.146, Sydenhams Road, opposite the Nehru Indoor Stadium, Chennai 600 003, under the provisions of the Tamil Nadu Town and Country Planning Act.

For Petitioners : Mr.D.Saikumarran

For Respondents : Mr.V.Veeramani
Government Advocate for R1

Mrs.P.Veena Suresh
Standing Counsel for R2

Mr.A.Arun Babu
Standing Counsel for R3 & R4



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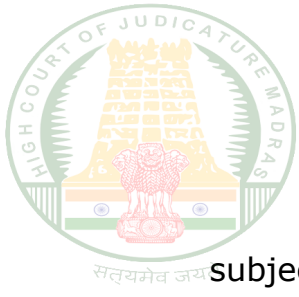
ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Petitioners have filed this petition raising a grievance that private respondent has raised illegal construction and therefore, mandamus be issued to Corporation to take action.

2. In the absence of there being any allegation of private respondent having encroached upon public road or government land and further, in the absence of any averment that it affects petitioners' right and that petitioners suffer any legal injury, in our opinion, petitioners have no locus to maintain this petition. If petitioners claim that the illegal construction, in any manner, affects their easementary rights, their remedy lie in filing suit and not writ petition.

3. In view of the above, petition is dismissed with liberty to file suit. There shall be no order as to costs. WMP No.37678 of 2025 filed to permit the petitioners to file a single writ petition is allowed,



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subject to payment of separate court-fee within two weeks. Other interim application also stands dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
10.09.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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