



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WMP No. 38819 of 2025

in W.P.No.30277 of 2025

R. M. Ganesan
S/o Late Muthusamy
No 8 Periyana Poondi Pallipat Taluk,
Thiruvallur Distret,
At Present At 112, Evr Road,
Kilpauk, Chennai 600 084

..Petitioner(s)

Vs

1. Dr.Annamalai Alagappan
S/o. Late Dr.Al.Annamalai,
Old No.112, New No. 179, Baracah Road,
Varadhammal Garden 2nd Street,
Kilpauk, Chennai- 10.
2. The Commissioner Greater Chennai
Corporation,
Ripon Building, Chennai- 600 003.
3. The Zonal Officer,
Greater Chennai Corporation,
Zone- 5 (royapuram), Div- 61, Unit -14,
No.9, Chidambaram 7th Street, Basin Bridge,
Chidambaram Nagar, Chennai- 600 001.
4. The Assistant Engineer
Greater Chennai Corporation , Div- 61, Unit -
14, Zone-5 (Royapuram),
No.1 Boopathy Nagar,
Egmore, Chennai- 600 008.
5. I.S.Ismail Basha
1, Basha Radiator Works (shop No.3)



Old No.63, New No. 128,
Gegu Reddy Road,
Chennai- 08

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..Respondent(s)

Prayer: Writ Miscellaneous Petition is filed under Article 226 of Constitution of India to implead the petitioner as the proposed Respondent in the above W.P. No. 30277 of 2025

For Petitioner(s): Mr.G.Saravanakumar

For Respondent(s): Mr.Alagu Swaminathan For R1
Mr.S.Gopinathan,
Standing Counsel for R2 to R4.

ORDER

The writ petition challenges an order of demolition passed by the Corporation of Chennai.

2. There is no dispute that the property belongs to one Dr.A.L.Annamalai. Dr.A.L.Annamalai passed away on 12.05.1987. The petitioner alleges that he and his mother A.N.Valliammai Achi were the only legal heirs of the said Dr.A.L.Annamalai. The petitioner pleads that one Dr.Ruth Annamalai set up a “Will” claiming that Dr.A.L.Annamalai had bequeathed the property in her favour by way of a Will dated 21.04.1980. This Will was challenged by the petitioner and his mother. The Original Petition in O.P.No.197 of 1998 filed for probate was converted into a contentious proceedings and numbered as T.O.S.No.15 of 1989. By a judgment dated 11.02.2000 this Court dismissed T.O.S.No.15 of 1989 holding that the Will has not been proved.



3. When Dr.Ruth Annamalai attempted to demolish the superstructure, the petitioner presented a suit in O.S.No.4423 of 2007 seeking permanent injunction restraining her from demolishing the building. The said suit was decreed in favour of the petitioner on 18.04.2009. The petitioner had also presented a suit in C.S.No.309 of 2003 on the file of this Court seeking eviction of Dr.Ruth Annamalai. On account of enhancement of pecuniary jurisdiction, the suit has been transferred to XXII Additional City Civil Court, Chennai and is now pending as O.S.No.6218 of 2023.

4. The cause of action for the present writ petition is that a sale deed is said to have been executed by the power agent of Dr.Ruth Annamalai, namely, Mr.Eswarappan in favour of one Mr.Ganesan who is the implead petitioner. Mr.Ganesan approached the Corporation of Chennai and obtained the demolition permission which is the subject matter of the writ petition.

5. I heard Mr.G.Saravanakumar, learned counsel appearing for the impleading petitioner, Mr.Alagu Swaminathan, learned counsel for the writ petitioner and Mr.Gopinathan for the Corporation.

6. The order impugned in the writ petition is the permission for demolition granted to Mr.Ganesan. Whether Mr.Ganesan is entitled to seek for such a permission, would have to be gone into the writ petition. For the said



purpose the presence of Mr.Ganesan would be proper. Hence, this Court is of the view that the implead petition deserves to be allowed.

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7. Whatever contentions Mr.Alagu Swaminathan intends to make against the impleaded party, he may do so by filing a reply, once the counter affidavit, is filed by the newly impleaded party. Mr.Saravanakumar states that the counter will be filed by 19.12.2025. Before filing the counter, a copy has to be served on Mr.Alagu Swaminathan, in advance. Mr.Alagu Swaminathan is granted time till 09.01.2026 to file his reply to the counter affidavit. It is up to the Corporation authorities whether they want to go on record by way of counter or not by that day.

8. In view of the above, the Writ Miscellaneous Petition is allowed. No costs.

10-12-2025

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

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V.LAKSHMINARAYANAN, J.

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in W.P.No.30277 of 2025**

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