



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

WMP No. 50718 of 2025

in

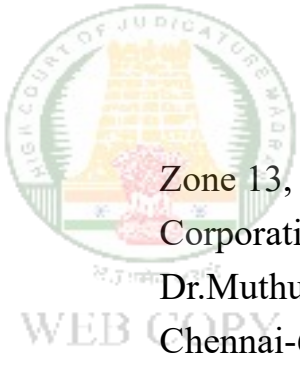
W.P.No.22479 of 2025

A.Janakiraman
Trustee Bhanjanai Madam,
No.26A/2A, Guruvappan Street,
Kottur, Chennai - 600085.

Petitioner(s)

Vs

1. K.Thirunavukarasu
- 2.The Regional Joint Commissioner,
South Zone-13, Division-170,
Corporation of Chennai,
Dr.Muthulakshmi Salai, Adyar,
Chennai-600 020.
- 3.The Assistant Commissioner
Zone 13, Division-170,
Corporation of Chennai,
Dr.Muthulakshmi Salai, Adyar,
Chennai-600 020.
- 4.The Executive Engineer,



Zone 13, Division-170,
Corporation of Chennai,
Dr.Muthulakshmi Salai, Adyar,
Chennai-600 020.

Respondent(s)

For Petitioner(s): Mr.Himavanth
for Mr.S.Marshall

For Respondent(s): Mr.C.D.Modhi for R1.

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner is a third party to the writ petition. He has filed an application to appear before the Court. The writ petition has been filed originally by the respondents for issuance of a writ of mandamus to direct the respondents to remove the lock and seal and permit the petitioner to demolish the illegal construction existing at D.No.70/2, Ellaiamman Koil Street, Old Survey No.49/2, T.S.No.49 in Block No.17, Kottur Village, Kottur, Chennai 600 085.

2.The writ petition had been filed as if the third respondent, Executive Engineer had issued notice and called upon the first respondent herein to restore the property in question to its original position. While disposing the writ petition, in admission itself, this Court had directed the third respondent to



remove the lock and de-seal of the building in question and the first respondent herein had been directed to demolish the unauthorized construction and construct the building under the new sanction and approval.

3.The learned counsel appearing for the petitioner would submit that this order is nothing but obtained by suppressing the material facts and same relief was sought by the first respondent herein in W.P.Nos.5984 & 18147 of 2018. The Division Bench consisting of the then Hon'ble Chief Justice, by an order dated 29.11.2018, had dismissed the writ petitions stating that the first respondent/petitioner in W.P.No.5984 of 2018 has no locus standi to file the writ petition. Not stopping with that a revision had been filed before the Additional Secretary (Technical). By an order dated 19.03.2024, after considering the entire issue involved in the matter, the request of the first respondent to de-seal the unauthorized construction which was put up by the temple authorities was rejected. Thereafter, the first respondent herein filed W.P.No.22479 of 2025 and got the order to demolish the building. According to the petitioner, the order dated 19.02.2024 clearly indicates that the construction has been put up by the



Temple Trustees. But, the petitioner and others, by suppressing the facts, filed the abovesaid writ petition and got the order for demolition of the building.

4. On perusal of the order dated 29.11.2018, passed in W.P.No.5984 of 2018, and the order dated 19.03.2024, passed by the Additional Secretary (Technical), we are of the view that the order passed in W.P.No.22479 of 2025 had been obtained by suppressing the material facts and it is a clear abuse of process of law. Further, the petitioner has very conveniently obtained the order for demolishing the building, which was put up by some other persons and the properties are also classified as Sarkar Poramboke as per the Revenue Proceedings.

5. In such view of the matter, leave is granted and that the order in W.P.No.22479 of 2025 had been obtained by suppression of facts, the order of this Court in W.P.No.22479 of 2025 dated 24.06.2025 is recalled. The third party is impleaded as respondent No.4 in the writ petition.



6. Registry is directed to carry out the necessary amendment in the cause title and post the matter on 15.12.2025 for filing counter and disposal of the matter.

N.S.K.,J.] [M.J.R.,J.]
21-11-2025

sli



To

1.The Regional Joint Commissioner,
South Zone-13, Division-170,
Corporation of Chennai,
Dr.Muthulakshmi Salai, Adyar,
Chennai-600 020.

2.The Assistant Commissioner
Zone 13, Division-170,
Corporation of Chennai,
Dr.Muthulakshmi Salai, Adyar,
Chennai-600 020.

3.The Executive Engineer,
Zone 13, Division-170,
Corporation of Chennai,
Dr.Muthulakshmi Salai, Adyar,
Chennai-600 020.



WEB COPY



**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

sli

**WMP No. 50718 of 2025
in W.P.No.22479 of 2025**



WEB COPY

8/8

WMP No. 50718 of 2



21-11-2025