



WEB COPY



W.P.No.48128 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.48128 of 2025

and

W.M.P.Nos.53786, 53787 and 53788 of 2025

1.R.Lakshmipathy

2.Y.Durgesh Babu

... Petitioners

-VS-

1.The Commissioner,
Greater Chennai Corporation,
Chennai – 600 003.

2.The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu-Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai -600 008.

3.The Assistant Executive Engineer,
Zone – 8 (Building and approval)
Greater Chennai Corporation,
36B/12B, Near Thiru Vi Ka Park, Pulla Avenue,
Pulla Avenue Road, Shenoy Nagar – 600030.

4.Mohamed Ajmal

... Respondents



W.P.No.48128 of 2025

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the record of the respondents 1 and 2 vide Approval No.:D8/06935/2022 and Permission No.D8/05861/2022 dated 22.08.2022 and quash the same and consequently direct 1st and 2nd respondents to issue stop work notice to the 3rd respondent and to demolish the illegal construction made by the 3rd respondent in so far as common passage at Door No.17/12A, Reg Hills Road, 5th Street, Villivakkam, Chennai.

For Petitioners : Mr.S.Vijayakumar

For Respondents : Mrs.Aswini Devi.K,
Standing Counsel for R1 and R3

Ms.T.Anjalie Udaya Rani
for Mr.Akhil Akbar Ali,
Standing Counsel for R2

ORDER

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

The learned counsel for the petitioners would submit that a civil suit has been instituted and a decree was passed in favour of the 2nd petitioner. In contravention to the decree passed by the civil Court, building plan permission has been granted by the Chennai Corporation. He would further submit that a representation was submitted, which was not responded. Therefore, the present Writ Petition came to be instituted.



W.P.No.48128 of 2025

2. The Writ Petition is not maintainable. To execute a decree passed by the civil Court, the petitioners have to approach the Execution Court for appropriate relief in the manner known to law. That apart, it is a private dispute between the petitioners and the 4th respondent, which cannot be resolved by the writ Court under Article 226 of the Constitution of India.

3. Thus, the Writ Petition is not maintainable and stands **dismissed**. No costs. W.M.P.No.53786 of 2025 filed to permit the petitioners to jointly file a single Writ Petition is ordered and the other connected miscellaneous petitions are closed.

(S.M.S,J.) (C.K,J.)
16.12.2025

Index: Yes / No
Internet: Yes / No
dsa



W.P.No.48128 of 2025

To:

- 1.The Commissioner,
Greater Chennai Corporation,
Chennai – 600 003.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai -600 008.
- 3.The Assistant Executive Engineer,
Zone – 8 (Building and approval)
Greater Chennai Corporation,
36B/12B, Near Thiru Vi Ka Park, Pulla Avenue,
Pulla Avenue Road, Shenoy Nagar – 600030.



WEB COPY



W.P.No.48128 of 2025

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

dsa

W.P.No.48128 of 2025

16.12.2025