



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 49438 of 2025

G.Harihar Mishra

..Petitioner(s)

Vs

1. The CommissionerThiruverkadu Municipality,
No.1, Sivan Koil Street, Thiruverkadu,
Chennai-600 077
2. The Director Of Municipal
AdministrationNo.75, Urban Administrative
Building, Santhome High Road, Raja
Annamalaipuram, Chennai-600 028

..Respondent(s)

Prayer: Writ petition is filed under Article 226 of the Constitution of India seeking writ of Mandamus, directing the 1st Respondent to remove the illegal iron structure put up into the car parking and public pathway of the residents of the apartment, in contravention of the building plan approval No.150 of 2017 dated 19.06.2017 issued by the 1st respondent herein.

For Petitioner(s):

Mr. A.Srinivasan

For Respondent(s):

Dr.T.Seenivasan, S.G.P.

ORDER

The relief claimed by the petitioner is against one Rajasekar. The said Rajasekar is co-owner of the property along with the writ petitioner. The petitioner is an occupant to the apartment and so is the said Rajasekar.



2.The grievance of the petitioner is Mr.Rajasekar constructed a grill gate in the area reserved for car parking. The petitioner approached the 1st respondent to remove the grill gate. As no action was taken, the petitioner has approached this Court for issuance of writ of mandamus directing the 1st respondent to remove the grill gate as well as to restore the car parking to its position as it stood on the date of approval of the building on 19.06.2017.

3.I heard Mr. A.Srinivasan for the petitioner and Dr.T.Seenivasan, learned S.G.P. for the 1st respondent.

4.The role of the 1st respondent stops with the approval for the building. Once an approval is granted, the 1st respondent has to verify if the construction being made in accordance with the approved plan or not. After the construction is completed in accordance with the approved plan, in case, one of the residents constructs an iron structure in the parking lot, the 1st respondent cannot enter into the private property and remove the same. The dispute, being between the co-owners, the relief can be obtained only before the jurisdictional Civil Court. A writ petition is not a substitute for the said relief.

5.When this aspect was pointed out by this Court, Mr.A.Srinivasan learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition and approach the jurisdictional Civil Court for appropriate relief.



6. Accordingly, the writ petition stands dismissed with a liberty to the petitioner to approach the jurisdictional Civil Court for appropriate relief. There shall be no order as to costs.

19-12-2025

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

SHA

To

1. The Commissioner, Thiruverkadu Municipality,
No.1, Sivan Koil Street, Thiruverkadu,
Chennai-600 077
2. The Director Of Municipal
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V.LAKSHMINARAYANAN, J.

SHA

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