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W.P.No.14275 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.14275 of 2026
and WMP No.15516 of 2026

M.Babu
Advocate,
Room B, Door No. 348/160
Hussain Plaza, Thambu Chetty Street,
Parrys Corner, Chennai – 600 001.

Petitioner(s)

Vs

1. The Member Secretary
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai – 600 008.
2. The Commissioner
Greater Chennai Corporation,
Chennai – 600 003.
3. The Zonal Executive Engineer
Zone IX, 4th Cross street, Lake View road,
Chennai – 600 034.



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4. The Proprietor
Hotel Manjal, Door No.6/9
Kasthuri Estate, 3rd Street,
Poes Garden, Mylapore, Chennai.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 herein to take action against the 4th respondent hotel/restaurant on the basis of the communication sent by the 1st respondent dated 2.09.2025 at the earliest point of time as may be fixed by this court.

For Petitioner(s): Mr. J.Pothiraj

For Respondent(s): Mrs.P.Veena Suresh
Standing Counsel
for R1

Mr.D.B.R.Prabhu
Standing Counsel
for R2 and R3

ORDER

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

This petition, styled as public interest litigation, has been filed by a practising advocate seeking issuance of a writ of mandamus directing respondents 1 to 3 herein to take action against the fourth respondent hotel/restaurant on the basis of



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the communication sent by the first respondent dated 02.09.2025 at the earliest point of time as may be fixed by this court.

2. It is the case of the petitioner that the fourth respondent/restaurant is functioning illegally in a residential area without obtaining any license and without proper parking area for the visitors. In this regard, the petitioner has sent a representation to the first respondent and the first respondent, by proceedings dated 2.9.2025, addressed to respondent Nos.2 and 3, directed the said authorities to examine the veracity of the complaint and take necessary enforcement action. It is alleged that till date no action has been taken against the fourth respondent/restaurant till date. Hence, the present writ petition.

3. It is admitted that seeking identical relief the petitioner herein had earlier filed W.P.No.45310 of 2025. This Court, by order dated 25.11.2025, disposed of the writ petition by directing



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the local authority to take those measures as may be necessary to manage and regulate traffic movement, parking, etc.

4. On a perusal of the prayers made in W.P.No.45310 of 2025 and the present writ petition, we are of the view that both are identical in nature. The present writ petition is, therefore, hit by the principle of *res judicata*. It is well settled proposition in law that principle of *res judicata* applies to writ proceedings, as has been held by the Supreme Court in *Daryao v. State of Uttar Pradesh*¹; *Virudhuttagar Steel Rolling Mills Limited v. Government of Madras*², and *Shankara Co-operative Housing Society Limited v. M. Prabhakar*³. Therefore, we are not inclined to entertain the present writ petition and the same is liable to be dismissed.

5. If the court's earlier order has not been acted upon, the petitioner's recourse lies elsewhere. Filing a new petition for the same relief is not the correct procedure.

¹ AIR 1961 SC 1457

² AIR 1968 SC 1196

³ (2011) 5 SCC 607



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6. The writ petition is, therefore, dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

We make it clear that this order shall not come in the way of the respondent authorities considering the complaint of the petitioner in accordance with law.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)

16.04.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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THE HON'BLE CHIEF JUSTICE
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(sasi)

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