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W.P.No.15696 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.15696 of 2026

R.Chandramouli
S/o.Ramaiah
R.S.Flat F-3, T.T.Mathew Road
Mogappair West, Chennai.

Petitioner(s)

Vs

- 1.The Government of Tamil Nadu
Rep. by Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600009.
- 2.The Commissioner
Great Chennai Corporation
Rippon Building, Chennai 600008.
- 3.The Zonal Executive Officer
Greater Chennai Corporation
Zone-V, No.62 Basin Bridge Road
Old Washermenpet, Chennai 600112.
- 4.The Chairman Cum Managing Director
Tamil Nadu Power Distribution Corporation
Limited (TNEB)
NPKRR Maligai, No.144 Anna Salai
Chennai 600002.



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5.The Managing Director
Chennai Metropolitan Water Supply and
Sewerage Board
No.1, Pumping Station Road
Chitadripet, Chennai 600002.

6.Gururaj Builders Pvt. Ltd,
Rep. by its Director Ashok Kumar
Old No.4, New No.1/1-7 & New No.3
Old No.2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

7.Jainam Foundation
Rep. by its Director Bharat Kumar Singhvi
No.8/14 Valliammal Road
Vepery, Chennai 600007.

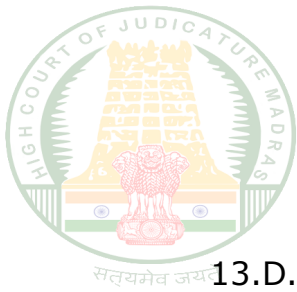
8.Bharath Kumar Singhvi
Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

9.R.Sunitha
Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

10.Dinesh Kumar
Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

11.Gajraj Jain
Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

12.B.Ramesh Kumar
Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.



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13.D.Gotham Hand

Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

14.Satheesh Kumar

Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

15.Mool Chand Ranga

Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

16.Kokila R Jain

Old No.4, New No.1/1-7 and New No.3
Old No. 2, Plot No.A & B Daley Street
Choolai, Chennai 600112.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing 2nd to 3rd respondents, Greater Chennai Corporation to de-occupy and re-seal the unauthorized building construction in Old No.4, New No.1/1-7, N.No.3, Old No.4 (Plot A & Plot B), Daley Street, Chennai - 600112 as per notice issued by the 2nd respondent Corporation in Notice No. Dn.58/031-1/202022 and Notice No.Dn.58/031-8/202022 dated 10.08.2022 and the remainder issued by the 1st respondent dated 20.11.2022 for Plot A and B and consequently to demolish the said unauthorised building and to remove the debris, to hand over the vacant land to the petitioner.



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For Petitioner(s): Mr.G.RM.Palaniappan

For Respondent(s): Ms.Akila Rajendran
Government Advocate for R1

Mr. P.Dinesh Kumar
for R2 and R3

Mr. D.B.R.Prabhu
Standing Counsel for R4

ORDER

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

Heard on admission.

2. This writ petition under Article 226 of the Constitution of India has been filed for the following relief:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue appropriate Writs, orders or Directions and in particular a Writ in the nature of Mandamus directing 2nd to 3rd respondents, Greater Chennai Corporation to de-occupy and re-seal the unauthorized building construction in Old No.4, New No.1/1-7, N.No.3, Old No.4 (Plot A & Plot B), Daley Street, Chennai 600112 as per notice issued by the 2nd respondent Corporation in Notice No. Dn.58/031-1/202022 dated and Notice No.Dn.58/031-8/202022 dated 10.08.2022 and the remainder issued by the 1st respondent dated 20.11.2022 for Plot A and B and consequently to demolish



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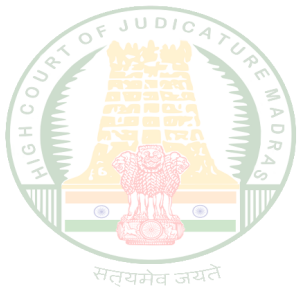


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the said unauthorised building and to remove the debris, to hand over the vacant land to the petitioner and to pass such further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

3. The case of the petitioner is that sixth respondent had created a fraudulent document with regard to the property belonging to the petitioner and obtained a forged patta and put up unauthorised construction. Based on the complaint made by the petitioner, the second respondent had issued a lock and seal and demolition notice. It is stated that respondent Nos.7 to 9, who are purchasers of the property from the sixth respondent, filed appeals and the first respondent had ordered de-sealing of the premises for a period of three months for rectification. It is further stated that despite dismissal of the appeal of the seventh respondent, till date no enforcement action has been taken and the said premises has not been re-sealed.

4. It appears that, for the very same prayer, the petitioner had earlier filed W.P.No.21690 of 2019 and a Division Bench of this Court, vide order dated 17.2.2020, closed the said writ petition by observing as under:



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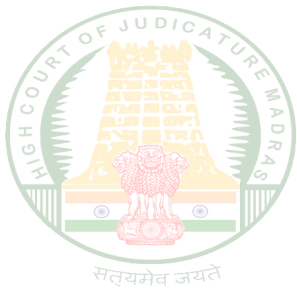
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"5. Though several contentions have been raised in this Writ Petition, from the counter of third respondent, this Court finds that already enforcement action has been initiated and hence, nothing survives for further adjudication in the present petition.

Accordingly, the Writ Petition is closed. No costs. Connected miscellaneous petition is closed."

5. Alleging willful disobedience of the order dated 17.2.2020 passed in W.P.No.21690 of 2019, the petitioner had filed Contempt Petition No.2955 of 2023 and, this Court, upon hearing learned counsel for the respective parties therein, vide order dated 6.2.2024, closed the contempt petition by observing as under:

"4. In the absence of specific direction to the respondents in the above order, this Court is unable to find any merits in the contempt petition filed by the petitioner for willful disobedience on the part of the respondents-authority. If the representation made by the learned counsel for the 2nd respondent-Corporation in the writ petition that they have initiated action is false, it is always open to the petitioner to seek remedy either by reviewing the order of this Court dated 17.02.2022 or by filing another writ petition insisting further course of action pursuant to the notice and a further notice dated 13.3.2019 issued by the CMDA/3rd respondent in the writ petition."



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6. It is further found from the documents annexed to the writ petition that the petitioner along with eight others filed a suit seeking a declaration of title and a declaration that certain documents executed were bad and for a consequential decree for recovery of possession. The suit was dismissed and the appeal preferred was dismissed by a Division Bench of this court, as it was barred by limitation. If the petitioner is aggrieved by such an order, his remedy lies elsewhere.

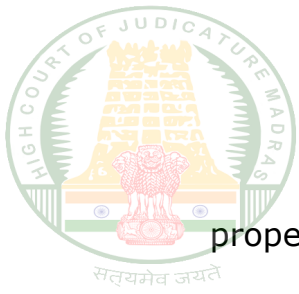
7. The petitioner cannot file one writ petition after another seeking identical relief. It is well settled proposition in law that principle of *res judicata* applies to writ proceedings, as has been held by the Supreme Court in *Daryao v. State of Uttar Pradesh*¹; *Virudhuttagar Steel Rolling Mills Limited v. Government of Madras*², and *Shankara Co-operative Housing Society Limited v. M. Prabhakar*³.

8. The entire controversy revolves around the allegation that the sixth respondent had created a fraudulent document with regard to the

¹ AIR 1961 SC 1457

² AIR 1968 SC 1196

³ (2011) 5 SCC 607



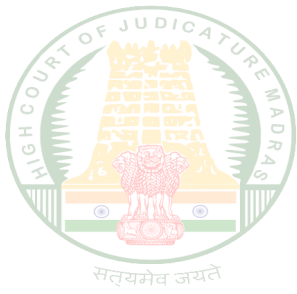
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property belonging to the petitioner and obtained a forged patta and put up unauthorised construction. The issue involved, in fact, is a civil dispute between the petitioner and the private respondents.

9. In *Roshina T. v. Abdul Azeez K.T.*⁴, the Supreme Court held that a regular civil suit is the appropriate remedy for the settlement of disputes relating to property rights between private persons and the High Court exercising jurisdiction under Article 226 of the Constitution of India cannot decide disputes for which remedies under the general law, civil or criminal, are available. Relevant portion of the said decision reads thus:

"14. It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general

⁴ (2019) 2 SCC 329



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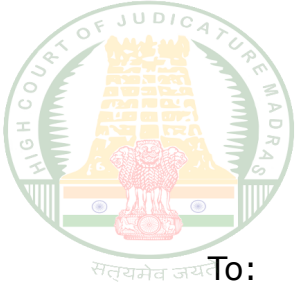
law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. **The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant** (See Mohan Pandey v. Usha Rani Rajgaria [Mohan Pandey v. Usha Rani Rajgaria, (1992) 4 SCC 61] and Dwarka Prasad Agarwal v. B.D. Agarwal [Dwarka Prasad Agarwal v. B.D. Agarwal, (2003) 6 SCC 230])

10. We are, therefore, not inclined to entertain this writ petition and the same is, accordingly, dismissed. There shall be no order as to costs.

We make it clear that we have not expressed any opinion on the merits of the matter and it is for the authorities to consider the representation of the petitioner in accordance with law.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
22.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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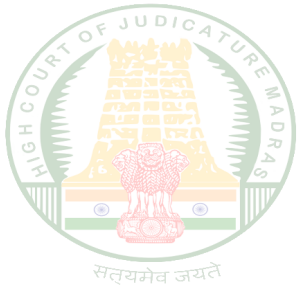


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