

W.P.No.461 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

**THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MRS.JUSTICE N. MALA**

W.P.No.461 of 2026

&

W.M.P.No.567 of 2026 & W.M.P.No.570 of 2026

M/s.Terapanth Educational and Medical Trust,
Rep. by its General Secretary Mahaveer
Chand Gelada, S/o.Late.Anraj Ji,
Nos.44 and 45, Vadamalai Maistry
Street, Sowcarpet (Kondithope),
Chennai-600 079. ... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building,
Chennai-600 003.

3.Regional Deputy Commissioner (North)
Greater Chennai Corporation,
No.62, Basin Bridge Road, Old
Washermenpet,
Chennai-600 021.

4.The Executive Engineer
Zonal Office V, Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.



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5.U.Manuchand Golecha,

S/o. Late Umarochand Golecha,

No.270, Linghi Chetty Street, Mannady,

Chennai - 600 001.

... Respondents

(R5 IMPEADED VIDE ORDER DATED 12.03.2026 MADE IN WMP.9585/2026 in WP.461/2026 BY CJ, GAMJ)

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the entire records of the 1st respondent vide letter No.8213200/ UD-5(1) / 2024-8 dated 13.10.2025 in so far as rejecting the section 79 of the Town and Country Planning Act appeal filed by the petitioner by confirming the revocation of planning permission of the 4th respondent vide order dated 15.10.2022 in proceedings no. Z.O.V.C. No./ 8037/ 2022 accorded to the petitioner by the Greater corporation of Chennai vide PPA/ WDC03/ 13744/ 2008 and Building approval bide BACD03/ 381/ 2009 dated 28.01.2009 for the constructions of building at Old door Nos.1 and 2, Amman Koil First Lane, Sowcarpet, Chennai-600 079 by quashing the same and consequently forbear the respondents from initiating any coercive action of locking and sealing and demolition for the building put up at the aforementioned property

For Petitioner: M/s.Mythreye Chandru

For Respondents: Mr.K.Surendar,
Govt. Advocate, for R1

Mrs.P.T.Ramadevi
Standing Counsel, for R2 to R4

Mr. U.Manuchand Golecha,
(Party in person), for R5



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ORDER

(Order of the Court was made by G.Jayachandran J.)

The writ petitioner had filed an appeal under Section 79 of the Tamil Nadu Town and Country Planning Act before the Government, challenging the order dated 15.10.2022 passed by the Commissioner of Greater Chennai Corporation revoking the planning permission granted to the petitioner and sought to quash the same.

2. While considering the appeal, the Appeal Committee also received objections from one U.Manuchand Golecha, who requested the Committee to reject the appeal filed by the petitioner Trust. Earlier, the Committee had passed an order rejecting the appeal, which was challenged in W.P. No.21579 of 2024. This Court disposed the said writ petition and issued directions for fresh consideration. Pursuant thereto, the appeal was reheard by the Committee after affording sufficient opportunity to both the petitioner and the objector.

3. After considering the grounds of appeal and the objections raised, the Appeal Committee, headed by the Additional Chief Secretary to Government, directed the Greater Chennai Corporation not to interfere with the construction of the school run by the petitioner Trust and insofar as the dispute regarding title



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over the land is concerned, relegated the parties to work out their remedies before the competent authority.

4. The present writ petition is filed impleading the objector, who was party in the appeal proceedings. Subsequently, the objector got himself impleaded as the 5th respondent.

5. The learned counsel appearing for the petitioner submitted that the finding of the appellate authority that the disputed building stands in Survey Nos.7800/20 and 7800/35 is factually erroneous and according to him, the building is situated only in Survey Nos.7800/1, 7800/1 part and 7800/2, for which the building plan permission had been granted. He further submitted that the Trust, which is running a school in the said premises, has already sought permission to shift the school to another place and till such time, the impugned order should not be enforced.

6. Per contra, the objector, who got himself impleaded submitted that the petitioner Trust had encroached the lands belonging to third parties situated in different survey numbers, including Survey Nos.7800/35 and 7800/20, after obtaining planning permission only for Survey Nos.7800/1 and 7800/2. It was



further contended that the planning permission was originally obtained for residential and cottage industry purposes, but the same has been converted and used for school purposes without permission.

7. The dispute relating to the alleged encroached portions belonging to third parties is already agitated before different forums. It is further submitted that the petitioner Trust has filed several writ petitions concerning portions of the subject building. In many of those writ petitions, the objector was not even made party respondent. Out of the 11 writ petitions filed challenging the lock and seal notice and other actions taken by the authorities for removal of the unauthorised construction, as listed in the report filed by the impleaded respondent, except for two cases, it appears that the rest have already been disposed of.

8. Be that as it may, the impugned order clearly indicates that the building consists of Ground Floor + 4 floors in Survey Nos.7714 and 7715, Ground Floor + 2 and part of terrace in Survey No.7800/20, Ground Floor + 2 floors in Survey Nos.7800/50 and 7800/51 and part of Ground Floor + 4 floors in Survey No.7800/35. The report also reveals that Survey No.7800/1 stands in the name of Chockalingam and Survey No.7800/2 stands as 'street' maintained by the



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Greater Chennai Corporation.

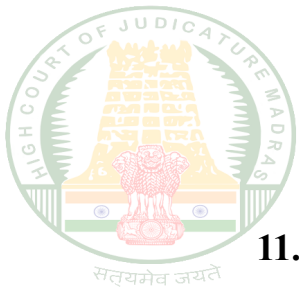
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9. We find that planning permission was granted only for Survey Nos.7800/1, 7800/1 part and 7800/2, but the learned Counsel still maintains that the building stands in S.No.7800/1, 7800/1 part and 7800/2 and a portion of the building in S.Nos.7800/35, 7800/20.

10. We find that the submissions made on behalf of the petitioner seeking interference with the impugned order is legally sustainable for the following reasons:

(i) The building plan permission was granted only for residential and cottage industry purposes, whereas admittedly the petitioner Trust is running a school in the premises.

(ii) Regarding the land on which the illegal construction has been put up itself is in doubt. Title disputes are already pending and the report prima facie indicates that parts of the buildings have been constructed on lands belonging to third parties and not confined to Survey Nos.7800/1, 7800/1 part and 7800/2, for which planning permission was granted.



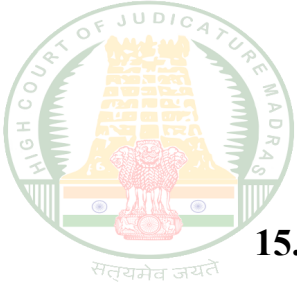
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11. Under the circumstances, we find that there cannot be any impediment for the authorities to remove the unauthorised construction after following due process of law and without further delay in implementing the removal order.

12. We also find that the real owner of Survey No.7800/1, in whose name the patta stands (Chockalingam) and the other owners of Survey Nos.7800/20, 7800/35 and 7800/50, on which portions of the building stand are not made parties to the proceedings.

13. The objector, who got himself impleaded submitted that multiple writ petitions have been filed by the petitioner only to prevent the objector from recovering possession of his land and thereby causing him grave hardship.

14. On considering the facts, the report and the impugned order, it is clearly discerned that the illegal constructions are put up by the petitioner in survey numbers for which building permission is not granted. Hence, it is appropriate to dismiss the writ petition with costs.



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15. Accordingly, the writ petition is dismissed with costs. The writ petitioner Trust shall pay cost of Rs.1,00,000/- to the Tamil Nadu State Legal Services Authority, High Court, Madras, within period of four weeks from today and the writ petitioner trust shall also pay a sum of Rs.50,000/- to the Objector within period of four weeks from today. Consequently, connected Miscellaneous Petitions are closed.

(Dr. G.JAYACHANDRAN, J.) & (N.MALA, J.)

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Index :Yes/No.
Neutral Citation :Yes/No.
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To,

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development
Department, Fort St. George,
Chennai-600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

3.Regional Deputy Commissioner (North)
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermenpet,
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4.The Executive Engineer
Zonal Office V, Chennai Corporation,
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5. The Secretary,
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