



WEB COPY

WP No. 26743 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MRS.JUSTICE N. MALA**

Writ Petition No. 26743 of 2026

and

W.M.P.No. 29254 of 2026

Kamalesh Gupta

..Petitioner

Vs

1. The Secretary,
Housing and Urban Development Department,
The State of Tamil Nadu Secretariat,
Fort St. George, Chennai-600 009.
2. Additional Secretary (Technical),
Housing and Urban Development Department,
The State of Tamil Nadu
Secretariat, Fort St. George, Chennai-09.
3. The Commissioner,
Greater Chennai Corporation
Rippon Building, Chennai-600 003.
4. The Commissioner
Puzhal Panchayat Union, Chennai-600 066.
5. The Chairman,
Puzhal Panchayat Union,
Chennai-600 066.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 their staffs, agents or anyone on their behalf to stop taking any forceful actions,



including demolition, alteration, locking, sealing or stopping the use of the premises.

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For Petitioner: Mr.S.Jithendran

For Respondents: Mr.B.Sivakollapan
Government Advocate for R1, R2, R4 & R5

Mr.P.Dinesh Kumar
Standing Counsel for R3

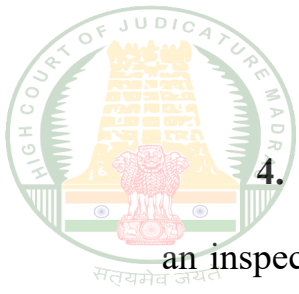
ORDER

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

The petitioner herein, aggrieved by the notice issued under Form-III for the removal of unauthorized development, is before this Court contending that the impugned notice was issued without following the due process of law and in violation of principles of natural justice. Hence, the same is liable to be quashed.

2. The learned Government Advocate appearing for the official respondents submitted that against an earlier notice for the removal of unauthorised construction, the petitioner preferred an appeal, which is now pending.

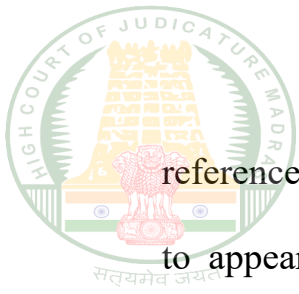
3. While so, the petitioner contends that the impugned notice dated 05.02.2026, ordering the removal of the alleged unauthorised construction, violates the procedures laid down under the Tamil Nadu Town and Country Planning Act, 1971.



4. We have gone through the impugned notice, which indicates that an inspection was conducted by the authorities on 16.09.2025, during which it was found the unauthorised development had been carried out on the premises without permission. Hence, a notice dated 05.02.2026 was issued to the petitioner to restore the land to its original condition before the development took place, by demolishing / altering the building within 30 days.

5. However, the petitioner failed to comply the said notice. Hence, the impugned notice was issued, intimating the petitioner that appropriate action will be taken under Section 56(5) of the Act. The petitioner has been instructed to discontinue the use of the building within 30 days from the date of receipt of the notice, failing which appropriate action will be taken against the owner or occupier under Section 56(2-A) of the Act, by locking and sealing of the subject premises. The order of the Commissioner, Panchayat Union, Puzhal, clearly indicates that a notice was issued to discontinue the construction and restore the land to its original condition as early as 10.04.2017.

6. The petitioner claims that against the said notice, he filed an appeal under Section 80-A of the Act, before the Government on 02.08.2017. Though the appeal papers have not been enclosed, an acknowledgment to this effect is enclosed in the typed set of papers. We also find that the proceedings of the Additional Secretary (Technical), Housing and Urban Development Department dated 11.06.2025, wherein the revision petition filed by the writ petitioner is



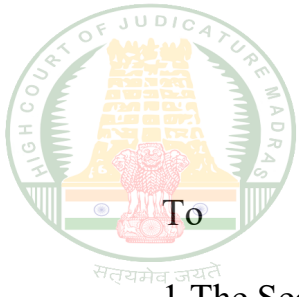
referenced. The said proceedings reveal that the writ petitioner was summoned to appear before the Additional Secretary (Technical), Housing and Urban Development Department, for a personal hearing on 17.06.2025. Therefore, the contention of the petitioner that the impugned order was issued without proper notice and hearing pending appeal appears to be incorrect. A notice was issued by the Additional Secretary (Technical), Housing and Urban Development Department, for a personal hearing and thereafter, an order was passed rejecting the revision petition on 30.09.2025.

7. These facts are referred in the impugned notice itself. The petitioner has not made any attempt to obtain permission for the construction, either by way of regularization or rectification. Till date, the building stands without any authorisation or permission. Therefore, the notice for the removal of unauthorised development carried out by the petitioner without planning permission is legally sustainable, especially since the initial inspection was conducted by the authorities as early as January, 2017.

8. Hence, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(Dr.G.J.,J.) (N.M.,J.)
14-07-2026

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



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