



W.P.No. 3745 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No. 3745 of 2021
and W.M.P.No. 4288 of 2021**

M.Chinnu

... Petitioner

Vs.

1.The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai

2.The Zonal Commissioner
Zone XIV, Perungudi
No.6/64, Puzhuthivakkam Main Road
Chennai 600 091.

3.The Executive Engineer
Zone XIV
Zone XIV, Perungudi
No.6/64, Puzhuthivakkam Main Road
Chennai 600 091

4.R.Elangovan

5.Venkatesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
to issue a Writ of Mandamus to the respondents 1 to 3 to take appropriate



W.P.No. 3745 of 2021

steps on the representation made by the petitioner on 18.08.2020 to demolish and remove the illegal structures which have been built in the property of the petitioner situated at Pallikaranai village, New Survey field numbers 4/3A1A1A1, 4/2B2, 4/1A2B and 4/1A1B1 and its corresponding old survey field numbers were 4/1, 4/4 and 2/6, measuring an extent of about 9600 square feet on land and as per sale deed measuring 13995 square feet, and situated at the junction of the LIC Nagar, 4th Main Road and LIC Nagar 1st Cross, Madipakkam, Chennai 600 091.

For Petitioner : Mr. Lingeswaran
for M/s.Ganesh and Ganesh

For Respondents : Mr. D.B.R.Prabhu for R1 to R3
Standing Counsel
Mr.P.Sasi Kumar for R4
No appearance for R5

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed to direct the respondents 1 to 3 to take appropriate steps on the representation made by the petitioner on 18.08.2020 to demolish and remove the illegal structures which have been built in the property of the petitioner situated at Pallikaranai village, New Survey field numbers 4/3A1A1A1, 4/2B2, 4/1A2B and 4/1A1B1



W.P.No. 3745 of 2021

and its corresponding old survey field numbers were 4/1, 4/4 and 2/6, measuring an extent of about 9600 square feet on land and as per sale deed measuring 13995 square feet, and situated at the junction of the LIC Nagar, 4th Main Road and LIC Nagar 1st Cross, Madipakkam, Chennai 600 091.

2. According to the learned counsel for the petitioner, the petitioner is the absolute owner of the property situated at Pallikaranai village, New Survey field numbers 4/3A1A1A1, 4/2B2, 4/1A2B and 4/1A1B1 and its corresponding old survey field numbers 4/1, 4/4 and 2/6 measuring to a total extent of 13995 square feet. He purchased the same through sale deed dated 24.06.1988 vide document No.2551 of 1988 and patta for the aforesaid property is also in his name. While being so, the 4th and 5th respondents carried out illegal constructions in the aforesaid property. Therefore, the petitioner had sent a representation dated 18.08.2020 to respondents No. 1 to 3, but the same has not been considered till date. Hence, the present writ petition.

3. A status report dated 09.08.2023 has been filed by the learned Standing Counsel appearing for the respondent Corporation stating that notice calling for approved plan under Section 56(1) and 57



W.P.No. 3745 of 2021

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read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971 has been issued to the 4th and 5th respondents on 26.04.2021 and further action will be taken, based on the lock and seal and demolition notice dated 08.08.2023, issued to the 4th and 5th respondents. After expiry of the statutory period of the above notice, further action will be taken as per law.

4. Considering the submissions made in the status report, this Court directs the respondent Corporation/respondents No.1 to 3, to initiate further enforcement action as against the respondents 4 and 5 in accordance with law.

5. With the above direction, the Writ Petition is disposed of.
No costs.

Post the matter on 11.12.2023 "for reporting compliance"

Index : Yes / No
msv

(J.N.B,J.) (N.M., J.)
16.10.2023



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