



W.P.No.9501 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.9501 of 2023

S.Vijaya

.. Petitioner

Vs.

- 1.The Secretary for Housing and Urban Development,
Fort St. George,
Chennai.
- 2.The Secretary for Municipal and Rural Development,
Fort St. George,
Chennai.
- 3.The Member Secretary – CMDA,
No.1, Ground Floor, Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
- 4.The Enforcement Cell – CMDA,
No.1, Ground Floor, Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
- 5.The Commissioner for Municipal Administration,
URBAN ADMINISTRATIVE BLDG (OPP. CIBA BLDG),
75, Santhome High Rd, MRC Nagar,
Raja Annamalai Puram,
Chennai – 600 028.



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6. The District Collector of Chengalput,
Chengalput – Collector Office at GST Road,
Chengalput.
7. The Commissioner of Tambaram Corporation-
Muthu Rangan Street -
Tambaram – Chennai – 600 045.
8. The Town Planning Officer – Tambaram -
Pallavapuram Zone,
3rd Main Rd, Pallavaram, New Colony, Chromepet,
Chennai – 600 044.
9. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai – 600 002.
10. The Commissioner of Police -
Tambaram Police Commissionerate,
Sholinganalur, Chennai.
11. The Inspector of Police,
Chitlapakkam Police Station,
Chitlapakkam, Chennai – 600 064.
12. The Revenue Division Office – Tambaram,
Taluk Office Complex,
1st Floor, GST Road,
Tambaram West, Chennai – 600 045.
13. The Thasildar – Pallavapuram,
Pallavapuram, Kurunji Nagar,
Chennai – 600 044.
14. Pastor Joseph Kaniga,
Evangelical Church of India,
No.30, Rajendra Prasad Road,
Chrompet, Chennai – 600 044.



15. The Evangelical Church of India (ECI),
No.1, Second Street, Ormes Road,
Kilpauk, Chennai,
Tamil Nadu – 600 010.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 8 & 13 not to prosecute and harass the petitioner for the illegal building that is constructed by the respondents 14 & 15 which has been issued with the notice to stop work calling and for approval plan by its notice no-1/2021/F1, dated 19.08.2021 by the Chennai Metropolitan Development Authority consequently stop in all proceeding in prosecuting the petitioner under the Town and Country Planning Act or District Municipality Act or any other Act and pass orders.

For Petitioner : Mr.A.Senthil Manohar

For RR 1, 2, 5, 6,
8 & 10 to 13 : A.Selvendran
Special Government Pleader

For RR 3 & 4 : Mr.R.Sivakumar
Standing Counsel

For R7 : Mr.P.Srinivas
Standing Counsel

For R9 : Mr.L.Jai Venkatesh

ORDER



(Order of the Court was delivered by V.M.VELUMANI,J.)

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The petitioner has come out with the present Writ Petition for a direction to the respondents 8 & 13 not to prosecute and harass the petitioner for the illegal building that is constructed by the respondents 14 & 15 which has been issued with the stop work notice calling for approval plan by its notice no-1/2021/F1, dated 19.08.2021 by the Chennai Metropolitan Development Authority consequently stop in all proceeding in prosecuting the petitioner under the Town and Country Planning Act or District Municipality Act or any other Act and pass orders.

2.By consent of the learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1, 2, 5, 6, 8 & 10 to 13, Mr.R.Sivakumar, learned Standing Counsel, who takes notice for respondents 3 & 4, Mr.P.Srinivas, learned Standing Counsel, who takes notice for 7th respondent and Mr.L.Jai Venkatesh, learned counsel, who takes notice for 9th respondent, this Writ Petition is taken up for final disposal at the admission stage itself.



3. Heard the learned counsel appearing for the parties and perused the entire materials on record.

4. According to petitioner, she is the owner of the property situate at No.12, Temple Avenue, Srinagar Colony, Saidapet, Chennai – 600 015. She has inherited the same from her mother. During the lifetime of her mother, she leased out the property to the 14th respondent. The respondents 14 & 15 without obtaining any building permission, have put up construction and running a Church. The 3rd respondent, after inspection of the property, on 19.08.2021 issued Stop Work Notice to the petitioner calling for the approved plan. Hence, the petitioner has come out with the present Writ Petition.

5. The learned counsel appearing for the petitioner submitted that the respondents 8 & 13 are threatening the petitioner that criminal prosecution will be initiated against her. According to petitioner, the property was leased out to the 14th respondent by her mother. The respondents 14 & 15 have constructed the building without obtaining any permission for running religious institution. In the typed set of papers, the petitioner has filed the notice dated 19.08.2021, issued to the owner,



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the developer, D.Samual, S/o. Devadatham, No-30, R.P.Road, Chrompet, Chennai – 44, to stop the construction and also to produce the approved plan. The grievance of the petitioner is that she has not put up any construction. The 3rd respondent after issuing notice, has not taken any action for removal of the building, but the respondents 8 & 13 are threatening the petitioner to take criminal action against the petitioner.

6.Considering the notice dated 19.08.2021 issued by the 3rd respondent, the 3rd respondent is directed to initiate further action by issuing notice to the petitioner and respondents 14 & 15 and others if any and take appropriate proceedings, if any unauthorised construction is put up by the petitioner or by respondents 14 & 15.

7.With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
28.03.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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- 10.The Commissioner of Police -
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