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W.P. No. 10566 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.04.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

W.P.No. 10566 of 2023

S. Naren

... Petitioner

Vs.

1. The Commissioner,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai -600 003.
2. The Zonal Officer, Zone XII
No. 1, New Street, Alandur,
Chennai – 600 016.
3. The Assistant Executive Engineer,
Ward No. 161, Zone XII,
Greater Chennai Corporation,
Chennai – 600 016.
4. Additional Secretary (Technical)
Housing and Urban Development Department,
Secretariat, Chennai -600 009.

5.V. Suresh

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to take immediate action to demolish the unauthorized construction put up by the 5th respondent at Door No. 15/4, Plot No.11-A, TNGO Colony 2nd Cross Street, Adambakkam, Chennai 600 088 within a reasonable period as may be fixed by this Court.

For Petitioner : Mr. Amalnath E K.
For Respondents : Mr. D. B. R. Prabhu
Standing Counsel for Corporation
for respondents 1 to 3
Mr. A. Selvendran
for fourth respondent

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petition has been filed to direct the respondents 1 to 3 to take immediate action to demolish the unauthorized construction put up by the 5th respondent at Door No. 15/4, Plot No.11-A, TNGO Colony 2nd Cross Street, Adambakkam, Chennai 600 088.

2. The case of the petitioner is that he had made a complaint to the Greater Chennai Corporation seeking to take action against the fifth respondent for putting up construction of building deviating from the approved plan. Based on the complaint, the respondents 1 to 3 had issued



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Stop Work Notice against the fifth respondent dated 10.04.2022. However, even after the said Stop Work Notice, the fifth respondent was continuing his construction but the Greater Chennai Corporation did not take any action against the fifth respondent. Since there was no action taken, the petitioner lodged another complaint on 02.06.2022 and based on the same, since the entire construction was put up in a complete deviation from approved plan and against the rules set by Tamil Nadu Town and Country Planning Act, 1971, the respondents 1 to 3 had issued a Lock and Seal and Demolition Notice dated 06.06.2022. After the issuance of Lock and Seal and Demolition Notice by the respondents, no further action was taken by the respondents 1 to 3. Aggrieved by the same, the petitioner had lodged two more complaints dated 08.08.2022 and 28.09.2022 before the first respondent. However no action was taken for the same.

3. While so, the fifth respondent namely V. Suresh had preferred an appeal before fourth respondent Government under Section 80 A of the Tamil Nadu Town and Country Planning Act, 1971, against the said Lock and Seal and Demolition notice dated 06.06.2022. The said appeal had been disposed of by the fourth respondent on 19.12.2022 vide Letter No. 14578/UD-VII(1)/2022-4, by granting three months' time to the fifth



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respondent to rectify the deviation or to get revised approval as per Tamil Nadu Combined Development Building Rules 2019 within the said period of three months.

4. According to the petitioner, the said period of three months had come to an end and the fifth respondent has not complied with the order of the fourth respondent Government till date. However, so far no action has been taken by the respondents 1 to 3 pursuant to Lock and Seal and Demolition notice dated 06.06.2022 against the fifth respondent. Hence, he has filed the present writ petition before this Court.

5. The learned Standing Counsel for the respondent Corporation has submitted before this Court that if the fifth respondent had not rectified the deviation, as pointed out by the respondent Corporation, despite opportunity was granted to him by the fourth respondent Government on 19.12.2022, by granting three months' time, necessary action will be taken by the respondent Corporation against the fifth respondent.



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6. Recording the aforesaid submission made by the learned Standing Counsel for the respondent Corporation, the Writ petition stands disposed of. However, we make it clear that if no action is taken by the respondent Corporation, the petitioner is at liberty to make necessary representation to the authority for taking action as against the fifth respondent. No costs.

(D.K.K., J.) (K.G.T., J.)

05.04.2023

Intex : Yes/No

Internet : Yes/No

mrn

To

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D.KRISHNAKUMAR, J.
and
K.GOVINDARAJAN THILAKAVADI, J.
(mrn)

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