



W.P.No. 13097 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No. 13097 of 2018
and WMP.Nos. 15394 to 15396 of 2018

M/s. Janpriya Builders
Rep. by its Managing Partner,
Cleetus Vincent No. 113/96, 8th Floor,
Janpriya Crest No. 96, Pantheon Road,
Egmore, Chennai 8.

...Petitioner

Vs

- 1 The Commissioner Greater
Chennai Corporation,
Rippon Buildings, Chennai 3
- 2 The Assistant Executive Engineer,
Corporation of Chennai,
Division No. 126, No. 12, Masilamani Street ,
T. Nagar, Chennai 17
- 3 The Zonal Officer
Zone X Corporation of Chennai,
T.Nagar, Chennai 17.



W.P.No. 13097 of 2018

4 N.Bava

5 Mr.V.Narayanan

(R5 impleaded vide order of this Court t 20/12/2018)

6 The Chennai Metropolitan Development Authority,
Rep by its Member Secretary,
Thalamuthu Natarajan Buildings
Egmore, Chennai-008. ..Respondents
(R6 impleaded vide order of this Court dated 08/01/2019)

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 3 herein to forthwith stop the illegal construction put up by the 4th respondent at Door No. 34 Pondy Bazar T. Nagar Chennai 600 017.

	For Petitioner	: M/s.Ashok Menon
	For Respondents	: Mr.D.B.R.Prabhu, Standing Counsel-R1
to		R3
		Mr.R.Thamaraiselvan, Standing Counsel-
R6		
		Ms.R.Soniya Glory - R4
		Mr.M.Baskaran - R5

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer sought for in the writ petition is to direct the respondents 1 to 3 herein to forthwith stop the illegal construction put



W.P.No. 13097 of 2018

up by the 4th respondent at Door No. 34 Pondy Bazar T. Nagar Chennai

600 017.

2. The learned counsel for the petitioner has submitted that the 4th respondent, who is his tenant, after demolishing the unauthorised structure, again putting up new construction without any planning permission/approval for the very same use of running a tea shop. Hence, the petitioner has filed the present writ petition seeking directions to the respondents 1 to 3 to stop the illegal construction put up by the 4th respondent.

3. Counter affidavit has been filed by the 3rd respondent, stating that the petitioner has obtained planning permission from the Chennai Metropolitan Development Authority (CMDA) vide Lr.No. B/22166/1989 dated 09.02.1990 with respect to the property at Door No. 34, Pondy Bazar, T.Nagar, Chennai-17, for constructing basement floor, ground floor, mezzanine floor, first floor, second floor and third floor. It is further stated in the counter affidavit that the petitioner has put up the



W.P.No. 13097 of 2018

building by deviating the approved plan by the CMDA and also constructed basement floor + ground floor + 8 floors + 9th floor part + 10th floor partly of commercial building. It is also stated in the counter affidavit that the petitioner had applied for regularisation of his building to the CMDA and after scrutinizing the application, the petitioner was directed to clear the set back area, in which the 4th respondent herein is running a tea shop.

4. This Court by order dated 14.06.2023 specifically directed the CMDA to file counter affidavit and also status report before this Court. Today the learned standing counsel appearing for the CMDA has filed a status report before this Court, wherein it is stated that a locking and sealing and demolition cum de-occupation notice dated 04.07.2019 was issued to the deviated portion of the entire building including the shed put up by the 4th respondent, and requested to restore the building as per the approval plan by giving 30 days time and subsequently, the unauthorised constructed portion of buildings were locked and sealed on 24.10.2019.



W.P.No. 13097 of 2018

WEB COPY

5. It is further stated in the status report that as against the above lock and seal notice, the revision petition preferred by the 4th respondent was rejected by the Government by order dated 13.02.2020. Subsequently, the Appeal preferred by the petitioner-builders under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 was also rejected by the Government by order dated 13.02.2020.

6. Despite the government issuing a rejection order on 13.02.2020, the Chennai Metropolitan Development Authority (CMDA) officials have failed to initiate the required enforcement action against the petitioner's building till date.

7. In light of this fact, We hereby direct the 6th respondent/CMDA and the 2nd respondent/Chennai Corporation to take necessary action for the removal of the unauthorized construction in the petitioner's building, in accordance with law, as expeditiously as possible. Prior to taking action, they must serve a notice to respondents 4 and 5. The



W.P.No. 13097 of 2018

entire process shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed,

(D.K.K., J.) (P.D.B., J.)

21.06.2023

Index: Yes / No

Internet: Yes

ak

To

- 1 The Commissioner Greater
Chennai Corporation,
Rippon Buildings, Chennai 3
- 2 The Assistant Executive Engineer,
Corporation of Chennai,
Division No. 126, No. 12, Masilamani Street ,
T. Nagar, Chennai 17
- 3 The Zonal Officer
Zone X Corporation of Chennai,
T.Nagar, Chennai 17.



W.P.No. 13097 of 2018

4 The Chennai Metropolitan Development Authority,
Rep by its Member Secretary,
Thalamuthu Natarajan Buildings
Egmore, Chennai-008.

WEB COPY

D.KRISHNAKUMAR, J.
AND
P. DHANABAL, J.

ak

W.P.No. 13097 of 2018
and
WMP.Nos. 15394 to 15396 of 2018



WEB COPY



W.P.No. 13097 of 2018

21.06.2023