



W.P.No.11715 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.11715 of 2020
and
W.M.P.Nos.14412, 14404, 14407 & 14752 of 2020

Mumtaj

.... Petitioner

vs

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
2. The Chennai Metropolitan Development Authority,
rep. by tis Member Secretary,
No.8, Gandhi Irwin Road,
Chennai - 600 008.
3. The Zonal Officer,
Zone-XII, Greater Chennai Corporation,
Alandur,
Chennai -16.
4. The Assistant Executive Engineer,
Office of the Assistant Engineer/O & M /Nanganallur,
33 KV Nanganalur SS Complex, TANGEDCO,
Nanganallur,
Chennai - 600 061.



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5. The Area Engineer,
Zone-XII, Depot-166,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1. New Street. Alandur,
Chennai-16.

6. P.Ganesan
s/o K.Periyasamy

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st and 2nd respondents to take action for demolishing and illegal construction put up over the property bearing No.6A/15A, 18th Street, B.V.Nagar, Nanganallur, Chennai -61 measuring an extent of 1012 sq.ft. comprised of Survey No.124, Town Survey no.328/3, Wward No.C, Block No.2, to an extent of 10.12 sq.ft. in Thalakanacherry Village, Alandur taluk, Chennai District by 6th respondent and to prosecute him for the said illegal construction and to restore it to original position.

For Petitioner : Mr.K.Koteswara Rao

For Respondents : Mr.E.C.Ramesh,
Standing Counsel for R1, R3, R4 & R5
Mr.V.Sudalaiselvam,
Standing Counsel for R2
Mr.T.Madhusudhar Reddy for R6



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ORDER

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

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st and 2nd respondents to take action for demolishing the illegal construction put up over the property bearing No.6A/15A, 18th Street, B.V.Nagar, Nanganallur, Chennai-61, measuring an extent of 1012 sq.ft. comprised of Survey No.124, Town Survey no.328/3, Ward No.C, Block No.2, to an extent of 10.12 sq.ft. in Thalakanacherry Village, Alandur taluk, Chennai District by 6th respondent and to prosecute him for the said illegal construction and to restore it to original position.

2. Admittedly, the subject building which was constructed in the year 2015 is totally an unauthorised construction. Since the building itself is totally unauthorised, the authorities have initiated action and the building is now under lock and seal. Further, though it is stated that the petitioner has filed an appeal under Section 79 of the Tamilnadu Town and Country Planning Act, it is not maintainable as the same can be filed only if a person is aggrieved by any decision or order of the planning authority under section 49. The petitioner has not filed an application under section 49 seeking permission. Therefore, without averting anything on the merits of the



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matter, liberty is given to the petitioner to file an application under section 49 of the Tamil Nadu Town and Country Planning Act, 1971. On receipt of the said application, the 1st respondent is directed to pass orders on the same within a period of eight weeks from the date of receipt of a copy of the application. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
11.09.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

To

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J.NISHA BANU,J.
and
N.MALA,J.

vsi

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