



WEB COPY



W.P.No.16074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

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

W.P.No.16074 of 2023
and
W.M.P.Nos.15497 & 15498 of 2023

S.Kumarasamy

...Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.
- 2.The Zonal Officer,
Zone – VI,
Greater Chennai Corporation,
No.118, Strans Road, Pattalam,
Chennai – 600 012.
- 3.The Assistant Executive Engineer,
Division 70, Zone 6, Unit 16,
Greater Chennai Corporation,
Jawahar Nagar,
No.28/38, 3rd Circular Road,
Chennai – 600 082.



W.P.No.16074 of 2023

WEB COPY

4.The Assistant Engineer,
Division 70, Zone 6, Unit 16,
Greater Chennai Corporation,
No.20, Raja Street,
Opp to Brinda Theatre,
Perambur,
Chennai – 600 011.

5.M.Thiruvenkadam

6.T.Balasubramaniam

7.The Principal Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai.

.... Respondents

(R7 -Suo motu impleaded as per order dated 13.12.2023 in W.P.No.16074 of 2023 by JNBJ and NMJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution to issue a Writ of Mandamus, to direct the respondents 1 to 4 to demolish and remove the illegal constructions put up by the respondents 5 & 6 at Nos.33/1, 33/2, New No.18 & 20, Rajavelu Street, Perambur, Chennai – 600 011.

For Petitioner : Mr.R.Prem Narayan

For R1 to R4 : Mr.D.B.R.Prabhu
Standing Counsel

For R5 : Mr.S.Parthasarathy



W.P.No.16074 of 2023

For R6

: Ms.Mythreye Chandru
Special Government Pleader

* * * * *

ORDER

[Order of the Court was made by J.NISHA BANU,J.]

This Writ Petition has been filed to direct the respondents 1 to 4 to demolish and remove the illegal constructions put up by the respondents 5 & 6 at Nos.33/1, 33/2, New No.18 & 20, Rajavelu Street, Perambur, Chennai – 600 011.

2.The petitioner is the absolute owner of the house and land comprised in Old No.33/3, New No.22, Rajavelu Street, Perambur, Chennai – 600 011. The 5th and 6th respondents are petitioner's paternal cousin brother and his son respectively. The 5th respondent is the absolute owner of the property comprised in No.33/2, New No.20 adjacent to the petitioner's property.

3.According to the petitioner, the 5th and 6th respondents are constructing the building without leaving any set back area adjacent to petitioner's property. They are also constructing their building by



W.P.No.16074 of 2023

WEB COPY

encroaching upon the common pathway which has been earmarked for the common usage of the owners of the property comprised in Old Door Nos.33/1, 33/2, 33/3, 33/4, 33/5, Rajavelu Street, Perambur.

4.The learned counsel for the petitioner submits that the petitioner had sent several representations to the respondents 1 to 4 on various dates requesting them to take action against the 5th and 6th respondent.

5.The learned counsel for the petitioner further submits that the 3rd and 4th respondents inspected the construction site and found that the construction was being carried out in complete violation of the approved plan. They issued a stop work notice to the respondents 5 and 6 on 04.02.2023. The grievance of the petitioner is that the respondents 5 and 6 are continuing their illegal construction even after issuance of stop work notice. Hence, the petitioner has filed the present writ petition.

6.The learned counsel for the petitioner would submit that as against the demolition notice issued to the respondents 5 and 6, the petitioner has filed an appeal which is pending before the Principal Secretary to Government, Housing and Urban Development, Secretariat, Chennai, who



W.P.No.16074 of 2023

WEB COPY

is not a party in the writ petition. Hence, the learned counsel for the petitioner prays this Court to implead the Principal Secretary to Government, Housing and Urban Development, Secretariat, Chennai as a respondent party in this writ petition.

7.Considering the said submission of the learned counsel for the petitioner, the Principal Secretary to Government, Housing and Urban Development, Secretariat, Chennai is impleaded as a respondent party in this writ petition and this Court directs the Principal Secretary to Government, Housing and Urban Development, Secretariat, Chennai to dispose of the appeal which was already filed by the petitioner, by giving opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order,

8.With the above direction, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

(J.N.B.,J.)

(N.M.,J.)

13.12.2023

2/2

Index:Yes/No



W.P.No.16074 of 2023

Internet : Yes/No
Speaking/Non-speaking order
ah

To

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.
- 2.The Zonal Officer,
Zone – VI,
Greater Chennai Corporation,
No.118, Strans Road, Pattalam,
Chennai – 600 012.
- 3.The Assistant Executive Engineer,
Division 70, Zone 6, Unit 16,
Greater Chennai Corporation,
Jawahar Nagar,
No.28/38, 3rd Circular Road,
Chennai – 600 082.
- 4.The Assistant Engineer,
Division 70, Zone 6, Unit 16,
Greater Chennai Corporation,



W.P.No.16074 of 2023

No.20, Raja Street,
Opp to Brinda Theatre,
Perambur,
Chennai – 600 011.

5.The Principal Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai.

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

W.P.No.16074 of 2023



WEB COPY



W.P.No.16074 of 2023

13.12.2023

2/2