



WEB COPY



W.P. No.18236 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.18236 of 2023

V. Srinivasan

Petitioner

v

- 1 The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai 600 003
- 2 The Zonal Officer, Zone – III
Greater Chennai Corporation
No.1, Thattankulam Street
Bazaar Road, Madhavaram, Chennai 600 060
- 3 The Secretary
Housing and Urban Development Department
Secretariat, Chennai 600 009
- 4 The Inspector of Police
M-2 Madhavaram Milk Colony Police Station
Madhavaram
Chennai
- 5 Berachah Apostolic Christian Assembly Trust
represented by its Managing Trustee
Ps.M. Maria Singarayar
No.41, Anna Street, K.K. Thazhai
M.M.C. Post, Madhavaram, Chennai 600 051

Respondents



W.P. No.18236 of 2023

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to demolish the illegal and unauthorised church situated at No.41, Anna Street, K.K. Thazai, MMC Post, Madhavaram, Chennai 600 051.

For petitioner	Mr. G. Karthikeyan, Sr. Advocate for Ms. A. Jagadeeswari
For RR 1 & 2	Mr. D.B.R. Prabhu, Standing Counsel
For R5	Mr. G.Mohammed Aseef

ORDER

This public interest litigation has been preferred seeking demolition of the church alleged to have been constructed illegally and unauthorisedly at No.41, Anna Street, K.K. Thazai, MMC Post, Madhavaram, Chennai 600 051.

2 The petitioner's contention is that the prayer hall has been constructed sans proper permission and that a lock and seal notice was issued by the second respondent on 22.02.2018; the authorities locked the said premises, questioning which, the fifth respondent approached this Court by way of filing W.P. No.21258 of 2022 seeking to forbear the authorities from initiating any coercive action of locking and sealing the premises, which was dismissed *vide* order dated 12.08.2022; subsequently, the third respondent, *vide* letter dated 03.10.2022, granted three months time to obtain permission in accordance with the rules in force; as no steps have been taken by the fifth respondent since then in



regard thereto, the present writ petition has been filed seeking the aforesaid prayer.

3 The learned counsel for the fifth respondent submitted that it cannot be said that the entire construction is illegal; initially, there was no setback given in the building and after the lock and seal notice, with the permission of the authorities for rectification and by paying the necessary charges therefor, the portion constructed illegally has been demolished to bring the building in accordance with the plan. Further, according to the learned counsel, necessary charges paid are not only for demolition, but also for sanction of authorised plan. That apart, he undertook that no activity will be carried out till the building is brought in accordance with plan. It is his further submission that applications are pending before the authorities and the same may be directed to be considered at the earliest.

4 A perusal of the various documents filed by the petitioner as well the fifth respondent would make it amply clear that several opportunities have been afforded to the fifth respondent and on every occasion, the fifth respondent had sought extension, owing to which, the demolition/rectification is yet to be completed to make the building in accordance with the permission granted by the authorities.



5 Be that as it may, as stated *supra*, since an undertaking has been given by the learned counsel for the fifth respondent that no activity will be carried out in the building till the building is constructed in accordance with the plan to be sanctioned, we expect the authorities to pass orders on the pending applications of the fifth respondent within a period of three months from the date of receipt of a copy of this order.

6 It is made clear that except for enabling the fifth respondent to carry out rectification work, the building should be kept locked and sealed permanently and only after the authorities are satisfied that the building is in accordance with the plan, can electricity connection, water and sewerage connection and other amenities be extended by the authorities concerned. Needless to say, if any of the aforesaid amenity is extended in contravention of this order of this Court, the authorities concerned will be hauled up for the violation of this Court's order and this Court will not have even an iota of incertitude to direct their removal from service.

This writ petition stands disposed of with the above observations, sans costs.

(S.V.N., J.) (K.R.S., J.)
22.06.2023

cad

Note to Registry:

Mark a copy of this order to

(i) The Chairman, Tamil Nadu Electricity Board

(ii) The Managing Director, Chennai Metro Water Supply & Sewerage Board (CMWSSB)



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