



WEB COPY



W.P.No.22805 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE N.MALA**

**W.P.No.22805 of 2022
and
W.M.P.No.21838 of 2022**

K.P.Mani

..Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone-6, Greater Chennai Corporation,
No.158, Strahans Road, Pattalam,
Chennai - 600 012.
3. The Assistant Engineer,
Corporation of Chennai,
Zone-6,
Manickam chetty Street,
Choolai,
Chennai - 600 112.
4. V.Sangeetha
5. Velappan

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to take necessary action against the 4th and 5th respondents for the demolition of the ceiling in contravention of Section 56 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.L.Dhamodharan

For Respondents : Mr.D.B.R.Prabhu,
Standing Counsel for R1 to R3
Mr.K.Mohan for R4 and R5

ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents 1 to 3 to take necessary action against the 4th and 5th respondents for the demolition of the ceiling in contravention of Section 56 of the Tamil Nadu Town and Country Planning Act, 1971.

2. The petitioner is the absolute owner of the shop premise in the property bearing New Door No.117, Old No.100, Perambur Barracks Road, Chennai - 7. The said shop admeasures an extent of 595 sq.ft. consisting of ground and first floor. The shop premise is a single structure building. The 4th respondent started demolishing the ceiling on the northern portion of the property under the pretext to build a stair case to the first floor of the property. The 4th respondent did not obtain any permission, plan and planning permit



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either to demolish or for alteration of any building. Since the shop premise being a single structure building, any kind of demolition activity by use of machineries, will naturally cause vibration to the entire building premise. The petitioner made representation dated 13.07.2022 to the 2nd and 3rd respondents in this regard. Since no action has been taken so far, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, learned counsel appearing for the 4th and 5th respondents filed an affidavit of undertaking given by the 4th respondent. The said Affidavit of Undertaking dated 28.07.2023 reads as follows:

"(1) I state that I am the 4th respondent herein and the owner of the subject matter of the building.

(2) I state that though internal construction would not come under the definition of "development" in the Tamilnadu Town and Country Planning Act, I hereby undertake to get the prior permission from the Corporation of Chennai for constructing the stair case to my first floor and then start the construction as per the approved permission.

(3) I respectfully pray that this Hon'ble court may be



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pleased to record my undertaking that the construction of staircase to my first floor of the building will be done after getting the necessary permission from the Corporation of Chennai and further pray that this Hon'ble court may be pleased to direct the Corporation of Chennai to consider my application for construction of staircase to the first floor of my building and pass necessary sanction within 15 days of the submission of the plan for construction of staircase to my first floor of the building and thus render justice."

4. Recording the aforesaid affidavit of undertaking, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

(J.N.B,J.) (N.M., J.)
28.07.2023

Index : Yes / No
Internet : Yes
vsi

To

1. The Commissioner,
Corporation of Chennai,



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