



W.P.No.22699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	20.10.2023
PRONOUNCED ON :	01.11.2023

CORAM :

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

**W.P.No.22699 of 2023
and WMP.No.22144 of 2023**

B.Jeyanthi

..Petitioner

Vs.

1.The Commissioner

Greater Chennai Corporation, Ripon Buildings,
No.1131, EVR Periyar Salai, Park Town,
Chennai-600 003.

2.The Regional Deputy Commissioner

North Zone, Greater Chennai Corporation
No.62, Basin Power House Road
Basin Bridge, Chennai-600 001

3.The Zonal Officer

Zone III Division 25
Greater Chennai Corporation
Madhavaram, Chennai-600 060



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4.The Executive Engineer

Zone III, Division 25

Greater Chennai Corporation

Madhavaram, Chennai-600 060

5. The Assistant Executive Engineer

Zone III, Division 25

Greater Chennai Corporation

Madhavaram, Chennai-600 060

6.The Assistant Engineer

Zone III, Division 25

Greater Chennai Corporation

Madhavaram, Chennai-600 060

7. Mr.Vinod @ Logu

8. The Assistant Engineer

The Tamil Nadu Electricity Board,

Madhavaram Division, Chennai.

..Respondents

[R8 suo motu impleaded vide order dated 30.08.2023

made in WP.No.22699 of 2023]

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus to direct the respondents 1 to 6 to initiate appropriate action under the provisions of the Tamil Nadu Town and Country Planning Act for



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stopping construction at Door No.97, Rajaji Street, Madhavaram, Chennai-600 060 and demolish the same.

For Petitioner :: Mr.P.Krishnan

For respondents : : Mr.D.B.R.Prabu, Standing counsel for R1 to R6

Mr.J.Prithvi for R7

Mr.L.Jaivenkatesh, Standing counsel for R8

ORDER

Per J.NISHA BANU, J.

This writ petition is filed praying for issuance of writ of Mandamus to direct the respondents 1 to 6 to initiate appropriate action under the provisions of the Tamil Nadu Town and Country Planning Act for stopping construction at Door No.97, Rajaji Street, Madhavaram, Chennai-600 060 and demolish the same.

2. It is averred in the writ petition that the petitioner who is residing at No.96, Rajaji Street, Madhavaram, has given several complaints to the Corporation regarding the unauthorized construction put up by the 7th respondent and inspite of the repeated complaints, the officials of corporation have not taken any action to stop the construction.



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3. The petitioner would further submit that she has given a complaint through whats-app to the Corporation of Chennai on 23.02.2023 and also through registered post to respondents 1 to 6 regarding the unauthorised construction without the building plan approval.

4. The petitioner further averred that since the building has been put up by the 7th respondent in violation of the building regulations, she sought to grant interim injunction restraining the 7th respondent from getting electricity service connection and water and sewerage connection to the said unauthorized building.

5. In the typed set of papers, copies of complaint sent to respondents 1 to 6 through registered post and whatsapp and the acknowledgement cards for the same and the copy of photographs showing the unauthorised construction is filed.

6. At the time of admission of this Writ Petition, this court directed the Standing counsel for respondents 1 to 6 – Greater Chennai Corporation to get instructions on the matter. This court also ordered notice to the 7th respondent. On



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instructions, learned Standing counsel for the respondents 1 to 6, submitted that 7th respondent is going on with the construction and there is no planning approval. Taking note of the said submission, this court passed an order of status quo on 16.8.2023 and the said order is still continuing.

7. On notice, 7th respondent filed counter affidavit. It is stated by the 7th respondent that the property wherein the construction now going is the house wherein his grandfather constructed two storeyed building about 50 years ago and the said old house is in dilapidated condition and therefore, he was constrained to renovate the same. He started constructing the building structure in the year 2014 and the entire construction work in the ground floor was completed in the year 2016 itself. Due to shortage of funds, he could not proceed with the first floor. In the year 2015, he approached Madhavaram Corporation and his application for planning permission was not entertained as he did not possess patta for the said land. The petitioner while approached the authorities for obtaining patta, he was informed that due to technical difficulties and computerisation of land records, granting patta to natham lands was delayed.



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8. The 7th respondent would further submit that the writ petitioner is residing next to his property and due to some quarrel over the usage of 8 feet common lane, to vindicate the personal dispute, the present writ petition is filed. The 7th respondent would further submit that after the issuance of stop work notice on 23.02.2023, he stopped further construction. He is residing in ground floor even prior to the issuance of the said notice and he submitted a representation on 13.04.2023 to respondents 4 to 6 requesting to grant time for obtaining planning permission as he is waiting for patta for his lands. The 7th respondent would also submit that he filed statutory revision before the Additional Secretary (Technical) Housing and Urban Development Department on 25.04.2023 against the Stop Work Notice dated 23.02.2023 and Lock and Seal and Demolition Notice dated 18.03.2023 and the same is also pending. The 7th respondent would also submit that after the filing of revision, the respondents 4 to 6 issued the deoccupation notice on 27.04.2023. It is also submitted by the 7th respondent that he sent a representation to the Revenue Divisional Officer for grant of Patta on 24.04.2023 to enable to get planning permission.

9. The 7th respondent also filed Additional Typed Set of papers wherein, the



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acknowledgement for sending the representation to respondents 1 to 5 found place.

The proceedings of Tahsildar dated 13.10.2023 would go to show that Natham Patta issuance could not be immediately granted due to computerisation of land records in the Madhavaram Region.

10. Heard both sides and perused the records.

11. The petitioner who is residing in the adjacent property to the 7th respondent has filed this writ petition seeking a direction to respondents 1 to 6 to take action against the unauthorised construction. On the other hand, 7th respondent filed counter affidavit before this court stating that due to computerisation of land records grant of patta to his lands is delayed and therefore, he could not get planning permission from the Greater Chennai Corporation. However, due to the dilapidated condition of the building and the condition of the building is not fit to occupy, the construction was carried out and after issuance of notice by the Greater Chennai Corporation, he stopped further construction.



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12. Taking into consideration the submissions made by the 7th respondent that he had already applied for patta and the same is pending before the Tahsildar, Madhavaram and due to which building approval has not been granted by the authorities and also specifically taking note of the old building wherein the 7th respondent was required to carry on the renovation work and reconstruction, three months time is granted to the 7th respondent to get patta by approaching the appropriate authority and also planning permission from the Greater Chennai Corporation for the said building. The respondents 1 to 6 are directed to look into the application of the 7th respondent and if the same is in compliance of the conditions stated in the Town and Country Planning Act, the authorities are directed to act in accordance with law. However, in the event of failure to take steps to obtain patta and planning permission for the construction in the subject land, within the specified time limit fixed by this court, it is for the respondents 1 to 6 to take necessary enforcement action. It is open to the petitioner and the 7th respondent to put forth their submission before the Revisional Authority before whom the 7th respondent has filed revision under Section 80-A of the Tamil Nadu Town and Country Planning Act and the same shall be disposed of within six months from the date of receipt of a copy of this order.



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13. This writ petition is disposed of on the above directions. No costs.
Consequently, connected Miscellaneous Petition is closed.

(J.N.B.,J.)

(N.M.,J.)

01 .11.2023

Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
nvsri

To:

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and

N.MALA, J.,

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6.The Assistant Engineer

Zone III, Division 25, Greater Chennai Corporation

Madhavaram, Chennai-600 060

7. The Assistant Engineer, The Tamil Nadu Electricity Board,

Madhavaram Division, Chennai.

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