



WEB COPY



W.P.No.3918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No.3918 of 2024 and W.M.P.No.4325 of 2024

1. Suganthi
 2. Nandhagopal
- Petitioners

vs.

1. Chennai Metropolitan Development Authority
represented by its Member Secretary
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Commissioner
Greater Corporation of Chennai
Ripon Building
Chennai 600 003
3. P. Parvathy
4. The Secretary
Housing & Urban Development Department
Fort St. George
Chennai 600 009

Respondents

(R4 *suo motu* impleaded by this Court on 29.10.2024)

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of mandamus directing the respondents 1 and 2 to take



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necessary action against the unauthorised construction put up by the third respondent on the property bearing No.35-A, MTH Road, Villivakkam, Chennai 600 044 and more particularly described in the schedule to this writ petition and also seeking demolition of the same.

SCHEDULE

All the piece and parcel of land in S.No.249/1 measuring an extent of 0.14 cents in No.73 Villivakkam Village, MTH Road, Purasawalkam Taluk No.35A, MTH Road, Villivakkam, bounded on the:

	North by	Konnur Karai Porambokku land	
	South by	Thiruvarur High Road	
	East by	Other piece of land in S.No.249/1 measuring 0.14 cents registered as Doc.No.546 of 1965 on 02.1965	
	West by	Seeniappa Nadar wife Maariammal's house	

	For petitioners	Mr. Prakash Gokalaney	
Counsel	For R1	Mr.Y.Bhuvaneshkumar,	Standing
	For R2	Mr. D.B.R. Prabhu,	Standing Counsel
	For R3	Mr. J. Thilagaraj	
	For R4	Mr. Karthik Jagannath,	Govt.Advocate



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ORDER

(made by D. KRISHNAKUMAR, J.)

W.M.P. No.4235 of 2024 filed by siblings and co-sharers of the property in question seeking permission to file a single writ petition, stands allowed.

2. The gist of the petitioners' relief is that they want demolition of the unauthorized construction made by the third respondent on the property bearing no.35-A, MTH Road, Villivakkam, Chennai 600 044 and more particularly, described in the schedule to this writ petition.

3. Today, when the matter was taken up for hearing, it was brought to the notice of this Court by the learned Standing Counsel for the second respondent/Chennai Corporation and the also the learned counsel for the third respondent that the third respondent has preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, on 11.03.2024, challenging the locking, sealing and demolition notice dated 05.03.2024 issued by the Chennai Corporation, before the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai – 600 009 and the same is still under consideration.



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4. However, since the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai 600 009, is not arrayed as a party in this writ petition, the said authority is *suo motu* impleaded as the fourth respondent in this writ petition and to secure the ends of justice, a direction is issued to the said authority to consider and pass orders on the third respondent's appeal dated 11.03.2024 on its own merits and in accordance with law, at any rate, within a period of twelve weeks from the date of receipt of a copy of this order. Further, the petitioner is at liberty to file an appropriate application before the newly impleaded fourth respondent to be impleaded as a party in the third respondent's appeal, if so advised.

With the above direction and liberty, this writ petition stands disposed of. Costs made easy.

(D.K.K., J.) (P.B.B., J.)

29.10.2024

cad



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To

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Ripon Building
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3. The Secretary
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