



WEB COPY



WP No.6035 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.6035 of 2019

P.Vijayan

: Petitioner

versus

1.The State of Tamil Nadu
rep. by its Secretary to Govt.
Home (Cinema) Department
Fort St. George Chennai-09

2.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore, Chennai-08

3.The District Collector
Thiruvallur District - 602 001

4.The Executive Officer
Minjur Town Panchayat, Minjur,
Thiruvallur District 601 203

5.KKCinema Theatre
rep. by its Proprietor, R.Shyamala

6.The Chief General Manager
Southern Railway,
6th Floor, Moore Market Complex
Park Town, Chennai-03

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to immediately exercise power under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act and remove the



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unauthorised development in property in No.135 located in Survey No.204/1 and 351/1A measuring about 5732 sq.ft at Manikandan Avenue, Minjur Village, Ponneri Taluk, Thiruvallur District

For the Petitioner : Ms.T.Monika

For Respondents 1 to 4 : Mr.P.Muthukumar,
State Government Pleader

For Respondent No.5 : Mr.Avinash Wadhwani

No appearance for the sixth respondent

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.T.Monika, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, appearing for respondents 1 to 4 and Mr.Avinash Wadhwani, learned counsel appearing for the fifth respondent.

2. This writ petition is filed to take action under the Tamil Nadu Town and Country Planning Act in respect of the unauthorised development of property at No.135 located in Survey No.204/1 and 351/1A, measuring about 5732 sq.ft at Manikandan Avenue, Minjur Village, Ponneri Taluk, Thiruvallur District.



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3. Mr.P.Muthukumar, learned State Government Pleader has placed on record a communication received from the Executive Officer, Minjur Town Panchayat, Tiruvallur District, dated 09.01.2024. The relevant part of the same reads thus:

“With reference to 12 letter cited that Tiruvallur District, Minjur vilalge, Thriu.s.Vijayan S/o Pichai have been filed WP No.6035/2019 in High Court of Madras against State Tamil Nadu, rep. By Secretary to Government Home (Cinema) Department, Fort St.George, Chennai, Member CMDA Chennai, District Collector, Tiruvallur, Executive Officer Minjur Town Panchayat, KK Cinema rep. R.Shyamala and General Manager, Southern Railway and counter-affidavit have been filed by Executive Officer Minjur Town Panchayat on 06.09.2019 (copy enclosed) and lock and seal notice were issued to the unauthorised KK Cinema theatre owner R.shyamala by Executive Officer Minjur Town panchayat vide this office notice letter Rc.No.246/2019/A1 dated 26.9.2019 and thereafter R.Shyamala has filed WP No.33472/2019 in High Court of Madras against Executive Officer, Minjur Town Panchayat and District Collector, Tiruvallur. As per High Court of Madras order dated 25.09.2019 again lock and seal notice issued to KK Cinema theatre owner R.Shyamala vide this office letter Rc.No.246/2019/A1 dated 26.09.2019. At this juncture, the Hon'ble High Court of Madras ordered in WP No.33472/2019 dated 18.12.2019 (copy enclosed) and state that tagging along with WP No.6035/2019 before the concerned Division Bench of this Court to be heard together. It is submitted that on 20.07.2023 inspection was carried out by the Executive Officer, Minjur Town Panchayat in the KK Cinema Theatre location. Since a lock and seal notice was already issued to KK Cinema Theatre on 26.09.2019, a fresh notice dated



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27.11.2023 was issued for the removal of the unauthorised construction by the Executive Officer, Minjur Town Panchayat. Further action will be taken immediately to bring the premises under lock and seal and then the demolition notice will be issued to the unauthorised KK Cinema theatre.

With reference to 14 letter cited and as per order of Hon'ble High Court of Madras WP No.6035 of 2019, with reference to 16 letter cited that this Court order No.01/2023/A1 dated 27.11.2023 notice have been issued for removal unauthorised building."

4. The said communication suggests that fresh notice dated 27.11.2023 was issued for the removal of unauthorised construction by the fourth respondent/Executive Officer, Minjur Town Panchayat and that further action would be taken immediately to bring the premises under lock and seal and then the demolition notice would be issued to KK Cinema theatre.

5. The learned counsel appearing for the fifth respondent submits that there is an exemption granted to cinema theatre under the Tamil Nadu Cinema (Regulation) Act, 1955.

6. The fifth respondent is at liberty to file reply to the notice issued to it by the Executive Officer and/or may take such steps as maybe permissible under law.

7. In view of the instructions as referred to above from the Executive



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Officer, we are not deciding the matter on merits. Action is initiated by the authority. The same may proceed in accordance with law, so also, the fifth respondent will have its option open and may raise all contentions as may be permissible under law.

8. The writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

10.01.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

- 1.The Secretary to Govt.
Home (Cinema) Department, Fort St. George Chennai-09
- 2.The Member Secretary
C.M.D.A. No.1, Gandhi Irwin Road, Egmore, Chennai-08
- 3.The District Collector, Thiruvallur District
- 4.The Executive Officer
Minjur Town Panchayat, Thiruvallur District 601 203



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