



WP No.11574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

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Geetha Devadas

: Petitioner

versus

- 1.The Government of Tamil Nadu,
rep. By its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai 9
- 2.The commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 3
- 3.The Regional Deputy Commissioner, Central,
Chennai Corporation,
2nd Cross Street (East) Pulla Avenue,
Shenoy Nagar, Chennai 30
- 4.The Executive Engineer,
Chennai Corporation,
Enforcement Region – Central,
2nd Cross Street (East) Pulla Avenue,
Shenoy Nagar, Chennai 30
- 5.The Assistant Executive Engineer,
Division 103, Chennai Corporation,
2nd Cross Street (East) Pulla Avenue,
Shenoy Nagar, Chennai 30



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6.The Assistant Engineer,
Ward 103, Corporation of Chennai,
Chennai 40

7.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Chennai 8

8.Kasthuri : Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing respondents 2 to 7 to take immediate action to demolish the 2nd floor of unauthorised construction put-up by 8th respondent in Plot No.4575 B, Door No.Y225, 6th Main Road, Anna Nagar, Chennai 40, by considering the petitioner's representation dated 28.03.2024.

For the Petitioner : Mr.D.Udhayasuriyan

For the Respondents : Mr.R.Gokul Krishnan,
Additional Government Pleader,
for the first respondent

Mr.D.B.R.Prabhu,
Standing Counsel, for respondents 2 to 6

Mr.R.Sivakumar,
Standing Counsel for respondent No.7

ORDER

(Made by S.S.SUNDAR, J.)

The petitioner has filed this writ petition seeking directions against respondents 2 to 7 to demolish the unauthorised construction put-up by the eighth respondent.



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2. Heard learned counsel appearing on both sides.

3. During the course of hearing, learned counsel for the petitioner and the learned counsel appearing for the official respondents have admitted that as against the locking & sealing and demolition notice issued by the Corporation, the eighth respondent has approached the first respondent by way of a special revision under Section 80-A of the Tamil Nadu Town and Country Planning Act. The first respondent has passed an order dated 16.07.2024 issuing the following directions:

“(i) Greater Chennai Corporation is directed to issue revised Locking & Sealing and Demolition notice indicating all the deviations/ violations to the approved plan and to serve the notice to the present owner/ the revision petitioner herein.

(ii) The said revised LSD notice shall be issued following all statutory proceedings prescribed in Tamil Nadu Town and Country Planning Act, 1971 and in compliance with G.O.Ms.No.195, Housing and Urban Development (UD4(1) Department, dated 05.11.2022.



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(iii) On expiry of the statutory period, Greater Chennai Corporation shall proceed to take further action on the building of the revision petitioner as per the provisions in Tamil Nadu Town and Country Planning Act, 1971.

(iv) Greater Chennai Corporation shall also take necessary action against the objector's building if it is found unauthorised or deviated to the approved plan after ascertaining the status of pending application filed for regularisation submitted to Greater Chennai Corporation on 29.06.2022."

4. The writ petition is therefore disposed of with a direction to the official respondents to take further proceedings in accordance with the directions issued by the first respondent in the statutory revision. There shall be no order as to costs. Consequently, WMP No.12672 of 2024 is closed.

(S.S.S.R., J.) (N.S., J.)
26.07.2024

Index : Yes/No
Neutral Citation : Yes/No
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