



WEB COPY



W.P.No.11

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.11584 of 2024

and

W.M.P.Nos.12679 & 12680 of 2024

Mrs.B.Jeyanthi

... Petitioner

-VS-

1. The Government of Tamil Nadu,
Rep. by Additional Secretary (Technical),
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
No.1131, EVR Periyar Salai,
Park Town, Chennai-600 003.
3. The Regional Deputy Commissioner,
North Zone,
Greater Chennai Corporation,
No.62, Basin Power House Road,
Basin Bridge, Chennai-600 001.
4. The Zonal Officer,
Zone III, Division 25,
Greater Chennai Corporation,
Madhavaram,
Chennai-600 060.
5. The Executive Engineer,



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

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6. The Assistant Executive Engineer,
Zone III, Division 25,
Greater Chennai Corporation,
Madhavaram, Chennai-600 060.
7. The Assistant Engineer,
Zone III, Division 25,
Greater Chennai Corporation,
Madhavaram, Chennai-600 060.

8. Mr.Vinod @ Loganathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 22.03.2024 comprised in Letter No.4621428/UD VI(1)/2023-6 pertaining to the property situated at No.97, Rajaji Street, Madhavaram, Chennai-600 060 and quash the same and consequently direct the respondents 2 to 7 herein to enforce the lock and sealing notice dated 18.03.2023 and the de-occupation dated 26.04.2023 issued to the 8th respondent by demolishing the unauthorized construction made by the 8th respondent in the aforesaid property.

For Petitioner	:	Mrs.B.Jeyanthi Party-in-person
For R1	:	Mr.T.K.Saravanan Govt. Advocate
For R2 to R7	:	Mr.D.B.R.Prabhu Standing Counsel

ORDER

(By the Hon'ble Acting Chief Justice)



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This Writ Petition has been filed, seeking to quash the Letter dated 22.03.2024 passed by the 1st respondent made in Letter No.4621428/UD VI(1)/2023-6 pertaining to the property situated at No.97, Rajaji Street, Madhavaram, Chennai. The petitioner also sought a direction to the respondents 2 to 7 herein to enforce the lock and seal notice dated 18.03.2023 and the de-occupation dated 26.04.2023 issued to the 8th respondent by demolishing the unauthorized construction made by the 8th respondent in the aforesaid property.

2. The party-in-person submitted that she had made a complaint in respect of an unauthorized construction put up by the 8th respondent to the Corporation Officials, on the basis of which, Corporation, after issuing Stop Work Notice, issued lock and seal notice to the 8th respondent. Against the said notice, the 8th respondent preferred an appeal under Section 80-A and 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, in which the 1st respondent passed the impugned order dated 22.03.2024, granting three months' time to R8 to obtain patta for the land and to carry out necessary rectification in the building to satisfy Rules and to obtain necessary approval for the rectified building as per Tamil Nadu Combined Development and Building Rules, 2019. It was further stated in the Letter that till such time, there shall be a stay on the enforcement action against the subject building.

3. Learned Government Advocate appearing for the 1st respondent contended that the 8th respondent was afforded opportunity to rectify the defects as pointed out by the



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Corporation and obtain patta within three months.

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4. Learned Standing Counsel appearing for the Chennai Corporation stated before this Court that the 8th respondent has not complied with the direction and the Officials will take necessary action for removal of the unauthorized construction by following due procedures, if there are no legal impediments to do so.

5. In view of the submissions made by the learned Standing Counsel for the Chennai Corporation, this Writ Petition is disposed of, directing the respondents 2 to 7 to take necessary action for removal of the unauthorized construction put up by the 8th respondent by following Government Orders, Rules, etc., within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,ACJ.]

[P.B.B,J.]

22.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

ar

HON'BLE ACTING CHIEF JUSTICE,

AND

P.B.BALAJI,J.,



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ar

To:

The Additional Secretary (Technical),
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.

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22.08.2024