



W.P.No.19663 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM:

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR JUSTICE P.B.BALAJI**

**W.P.No.19663 of 2024
WMP.No.21525 of 2024**

1.P.S.Ravichandran
2.Ramadoss A.N.
3.G.Vivek

... Petitioners

vs.

1.The Collector,
Chengalpattu District, Chengalpattu.
2.The Joint Director,
DTCP, Chengalpattu.
3.The Commissioner,
Chengalpattu Municipality,
Chengalpattu.
4.J.Selvarani
5.M/s.RKN Constructions,
Rep by its Proprietor, Radhakrishnanandam,
Flat No.G2, Meenakshi Flats,
New No.25, Old No.11, Mannar Street,
T.Nagar, Chennai 600 017.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus directing the respondents 2 and 3 to



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take action as against the 4th and 5th respondents and the unauthorised portions of the building situate at Prati Homes, No.11, Councillor Devarajanar Street, Chengalpattu-603 001 for the statutory violations and illegal activities committed by them under Section 135 of the Tamil Nadu Local Body Act, 1988, as amended by Act 35 of 2022.

For Petitioners : Mrs.Vasudha Thiagarajan

For Respondents : Mr.S.Joh.J.Raja Singh,
Additional Government Pleader for R1&R2

Mr.P.Srinivas for R3

Mr.D.Ashok Kumar for R4

Mr.D.S..Rajasekaran for R5

JUDGMENT

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This writ petition has been filed for a Mandamus directing the respondents 2 and 3 to take action as against the 4th and 5th respondents and the unauthorised portions of the building situate at Prati Homes, No.11, Councillor Devarajanar Street, Chengalpattu-603 001 for the statutory violations and illegal activities committed by them under Section 135 of the Tamil Nadu Local Body Act, 1988, as amended by Act 35 of 2022.



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2. According to the petitioners, the respondents 4 and 5 had unauthorizedly put up construction in the stilt floor, which is a Non FSI area earmarked for common utilities like bore-well, transformer yard etc., in contravention of the building planning permission and since no action has been taken by the respondents 2 and 3 in this regard, the petitioners have come forward with the present writ petition.

3. Mr.P.Srinivas, learned Standing Counsel for the third respondent Municipality has filed a report stating that as per the objections submitted by the residents including the petitioners herein, the site was inspected and it was found that in the stilt portion, instead of leaving it as an open stilt for use as car parking slots, the same was converted into commercial use units and it is also being used as a Clinic. It is further submitted that final notices were issued to the respondents 4 and 5 under Section 134, 135(1) and (2) of the Tamil Nadu Urban Local Bodies Act on 16.10.2023 and the fourth respondent has not taken any steps to remove the unauthorized portions and has instead filed O.S.No.30 of 2024 on the file of the District Munsif Court, Chengalpattu, praying for



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permanent injunction against the respondent alone and no interim order has been granted. It is further informed by the third respondent that the fifth respondent has filed an appeal as against the notice issued under Section 134 and 135 of the Tamil Nadu Urban Local Bodies Act and till date, they have not filed any copy of the said appeal petition and therefore, according to the Municipality, the Stilt portion is to be maintained as vacant as per the Building Planning permission.

4. Heard the learned counsel for the parties and perused the materials on record.

5. Though it is clearly stated by the third respondent Municipality that the stilt portion has been converted as commercial units, which is as against the Building Planning Permission, however for giving an opportunity to the respondents, the third respondent Municipality is directed to issue notice to the petitioners as well as the respondents 4 and 5 and after affording personal hearing to the parties shall proceed in accordance with law and take appropriate action for the conversion of the stilt portion into commercial units, if there is no other legal



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impediment. The aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., J.) (P.B.B, J.)
07.11.2024

Intex : Yes/No
Internet : Yes/No
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To
1.The Collector,
Chengalpattu District, Chengalpattu.

2.The Joint Director,
DTCP, Chengalpattu.

3.The Commissioner,
Chengalpattu Municipality,
Chengalpattu.



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D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

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