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W.P.No.18262 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.18262 of 2020

and

W.M.P.No.22642 of 2020

Chandra (Died)

2.Arutchelvi Kasinathan

... Petitioner

[2nd petitioner substituted as LR of deceased sole petitioner vide order dated 04.08.2023 made in W.M.P.No.22443 of 2023 in W.P.No.18262 of 2020]

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Park Town,
Chennai – 600 003.

2.The Revenue Officer,
Corporation of Chennai,
Zone-IX, Division No.118,
Nungambakkam,
Chennai – 600 034.



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3.Bukka @ Manoharan

4.Kanaga

5.The Chairman,
Office of the Chairman,
TNGEDCO,
No.800, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 3 and 4 for the illegal constructions made by interfering with the petitioner's right over the property and also causing illegality in gross affront to public health and sanitation as alleged in the petitioner's representation dated 23.05.2019.

For Petitioner	:	Mr.T.Jayaraman Senior Counsel for M/s.M.K.Padma for P2
For R1 and R2	:	Mr.S.T.Bharath Gowtham for Mrs.K.Aswini Devi
For R3 to R5	:	No appearance



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ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 3 and 4 for the illegal construction made by them without planning permission and by interfering with the petitioner's right over her property. Despite notice being served on private respondents, there is no representation on behalf of respondents 3 and 4.

2.The petitioner states that she is the owner of housing site bearing Plot Nos.21 and 22, Second Cross Street, Chokkalingam Nagar, Chennai – 600 086, which according to her, is the property devolved on her by succession. Even though there is a dispute with regard to the petitioner's right, it appears that the matter has gone upto Hon'ble Supreme Court where it was held in favour of the petitioner. It appears that, during the pendency of the litigation, the respondents 3 and 4 have illegally constructed parent compound wall touching the existing compound wall put up by the



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petitioner. The grievance of the petitioner is that the respondents 3 and 4 have raised construction without obtaining planning permission and in gross deviation of the Rules and Regulations. The petitioner also states that the petitioner's valuable right as a person holding title of the adjacent property is affected by the offending construction put up by the respondents 3 and 4. After submitting a representation to the official respondents, the petitioner has approached this Court with the above prayer.

3.The 2nd respondent has sent a letter to the Standing Counsel for the respondents 1 and 2 stating that, as against the respondents 3 and 4, already notice has been issued to lock and seal the premises. It is also stated that, as against the order passed by the official respondents in terms of Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, the respondents 3 and 4 have preferred an appeal under Section 80-A of the Act before the Government. Stating that the respondents 3 and 4 have requested not to take coercive action till the disposal of the statutory revision filed by them, instructions have been given to the Standing Counsel to seek appropriate orders from this Court.



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4.It is in the said circumstances, this Court directs the respondents 1 and 2 to take appropriate action in accordance with law depending upon the outcome of the revision stated to have been filed by the respondents 3 and 4 as against the order directing re-occupation and demolition. This order may be produced before the revisional authority, namely, the Government, so that the Government may dispose of the statutory revision filed by the respondents 3 and 4 within a period of 12 weeks from the date of receipt of a copy of this order. Depending upon the outcome of the statutory revision said to have been filed by the respondents 3 and 4, the respondents 1 and 2 shall take appropriate action in accordance with law, within a reasonable time.

5.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
02.02.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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