



WEB COPY

W.P.No.19228 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No. 19228 of 2024

K.Kumarandoss

...Petitioner

Vs.

1.The Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai - 600 009.

2.The Additional Secretary (Technical),
Housing & Urban Development Department,
Fort St.George, Chennai - 600 009.

3.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

4.The Executive Engineer, (Zone 5),
Building Department,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

5.N.K.Gopi

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for
issuance of Writ of Mandamus, directing the 4th respondent to initiate

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action against the unauthorized construction of the 5th respondent building in Old Door No.12, New Door No.29, Agraharam Street, Chintadripet, Chennai - 600 002 and demolish the same.

For Petitioner : Mr.T.Saravanan

For Respondents : Mr.S.Parthasarathy, Senior Counsel

for Rajesh Ramanathan for R5

Mr.S.John J.Raja Singh

Additional Govt, Pleader for R1 & R2

ORDER

The 4th respondent has filed a status report indicating the violations that will have to be removed by the 5th respondent in order to bring the building in conformity with the Tamil Nadu Combined Development Building Rules, 2019. Paragraph 4 of the said report reads as follows:

"4. I submit that as per the Tamil Nadu Combined Development and Building Rules, 2019, the owner of the building viz., the 5th respondent herein has to demolish the front setback measuring 1.50m x 7.13m (balcony projection and small part in the bedroom annexed to the balcony) all floors of the building. Further, the 5th respondent herein has to demolish structure measuring 3.12m x 3.91m in the ground floor to bring the building within the conformity of the FSI to the maximum 2.0."



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2. We find that the word 'in' is missing after the brackets found in 5th line of paragraph 4. What is intended therein is that the 5th respondent will have to remove the balcony and a portion of the bedroom measuring about 1.50 metres x 7.13 metres in all the floors of the building, apart from removing the structure measuring 3.12 metres x 3.91 metres in the ground floor which is an unauthorized conversion of the stilt floor into build up area.

3. Mr.S.Parthasarathy, learned Senior Counsel for the 5th respondent would submit that he would require some time to remove it. Three months time is granted to remove the offending structures and bring the building in conformity with the requirements of the building rules. If the offending structures are removed within three months and a revised plan is submitted, the authorities will approve the same. If the petitioner has any other grievance, the same shall be worked out in the civil suit that is stated to be pending.



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4. With the above observations, this Writ Petition is **disposed of**. No costs.

(R.S.M., J.) (C.K., J.)
03.12.2024

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Neutral Citation : No



To:

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R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

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