



WEB COPY

W.P.Nos.22952 and 25302 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.Nos.22952 and 25302 of 2023

and

W.M.P.Nos.22454, 22455, 24716 and 24718 of 2023

W.P.No.22952 of 2023

R.Shanthi

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Periyampet, Chennai – 600 003.

2. The Executive Engineer,
Greater Chennai Corporation,
Zone – 01 and Ward 07,
Sathyamoorthy Nagar,
Rajakadai, Thiruvottiur,
Chennai – 600 019.

3. Ravindran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, calling for the records on file of



the respondents 1 and 2 in Letter No.01/02739/2023 dated 29.04.2023 and quash the same, consequently direct the respondents 1 and 2 to remove the lock and seal put in the house of the petitioner on 17.07.2023 forthwith.

For Petitioner : Mr.A.Paneerchelvam
For R1 & R2 : Mr.D.B.R.Prabhu
For R3 : No appearance

W.P.No.25302 of 2023

1. P.Mallika
2. P.Selvakumar
3. P.Boobalan
4. B.Kausalya ... Petitioners

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Periyampet, Chennai – 600 003.
2. The Zone Officer,
Zone – I, Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.
3. The Executive Engineer,
Zone – I, Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.
4. The Assistant Executive Engineer,



Unit -2, Zone – I, Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.

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5. The Assistant Engineer,
Division – 7, Unit -2, Zone – I,
Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on file of the respondents 1 and 2 in Letter No.01/02739/2023 dated 29.04.2023 and quash the same, consequently direct the respondents 1 and 2 to remove the lock and seal put in the house of the petitioner on 17.07.2023 forthwith.

For Petitioner : Mr.R.Munuswamy

For R1 to R5 : Mr.D.B.R.Prabhu, Senior Counsel
for Greater Chennai Corporation

COMMON ORDER

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

These Writ Petitions have been filed challenging the notice issued under Section 56(1) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971.



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2. The authorities, during inspection found certain unauthorized constructions in the subject property. Since no building plan approval has been obtained, notice has been issued in proceedings dated 10.04.2023 to the occupants seeking their objections. Instead of submitting objections, the writ petitioners have chosen to file the present Writ Petitions.

3. No writ against notice is entertainable in a routine manner. A writ is entertainable, if such notice has been issued by an incompetent authority having no jurisdiction or tainted with allegation of *malafides*. The writ petitioners have not established any such acceptable ground for the purpose of interference. Thus, the writ petitioners have to submit their explanations/ objections along with documents. The authorities, after considering the documents, if any, identify the unauthorized constructions, then all such constructions are to be demolished by following the procedures, as contemplated and in the manner known to law. The writ petitioners are permitted to submit their explanations within a period of ten days from today. Thereafter, the authorities shall consider take decision and proceed in accordance with law. The entire exercise is directed to be



completed within a period of twelve weeks from the date of receipt of a copy of this order.

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4. Accordingly, the Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
08.03.2024

skr

Index : Yes

Speaking order

To

1. The Commissioner, Greater Chennai Corporation,
Rippon Building, Periyampet, Chennai – 600 003.
2. The Zone Officer, Zone – I, Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.
3. The Executive Engineer, Zone – I, Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.
4. The Assistant Executive Engineer,
Unit -2, Zone – I, Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.
5. The Assistant Engineer, Division – 7, Unit -2, Zone – I,



Greater Chennai Corporation,
Thiruvottriyur, Chennai – 600 001.

6. The Commissioner, Greater Chennai Corporation,
Rippon Building, Periyampet, Chennai – 600 003.

7. The Executive Engineer, Greater Chennai Corporation,
Zone – 01 and Ward 07, Sathyamoorthy Nagar,
Rajakadai, Thiruvottiyur, Chennai – 600 019.

S.M.SUBRAMANIAM, J.
and

K.RAJASEKAR, J.

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