



WEB COPY

W.P.No.23490 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2024

CORAM:

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

W.P.No.23490 of 2024
and WMP.25600 of 2024

T.Chandran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Additional Secretary (Technical),
Housing and Urban Development,
Fort St. George, Chennai 600 009
2. The Commissioner,
Chennai Corporation Building,
Rippon Building, No.1131, E.V.R.Periyar Road,
Chennai 600 003.
3. The Executive Officer,
Corporation of Chennai,
Zonal Office -3, No.1,
Thattankulam Street, Bazar Road,
Madhavaram, Chennai 600 060

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents not to either lock and seal or to demolish the construction put up at No.45, Punitha Anthonyiar Kovil Main Street, Puzhal, Chennai 600 066 and further direct them to follow the due process of granting planning permission to the



construction put at Plot No.45, Punitha Anthoniyar Kovil Main Street, Puzhal, Chennai 600 066 based on his representation dated 24.06.2024 .

For Petitioner : Mr.M.Vijay Anand

For Respondents : Mr.S.John J Raja Singh for R1
Mr.G.T.Subramanian
Standing counsel for R2 and R3

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Admittedly, the petitioner has put up construction without obtaining a sanctioned plan. When a lock and seal notice was issued, the petitioner has approached the Government under Section 80 (A) of Tamil Nadu Town and Country Planning Act, 1971[*hereinafter referred to as the “Act”*] and has obtained time to bring the building in terms of the approved plan, by misrepresenting facts and making it appear that as if he has got sanctioned plan. When the proposed party filed a Writ petition before this Court in WP No.14723 of 2023 challenging the order of the Secretary passed under Section 80(A) of the Act granting time to the petitioner to bring the building in conformity with the sanctioned plan. The fact that the petitioner did not have the approved plan was not disclosed by the petitioner, who was the 5th respondent in the writ petition as well as the



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Executive Engineer, Chennai Corporation, Zone III, who figured as the 4th respondent in the said writ petition.

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2. This Court therefore passed an order on the premise that the petitioner had some kind of an approved plan. Now it turns out that the petitioner's application for planning permission has been rejected by the Corporation. Hence, we find that the mandamus sought for cannot be issued. This writ petition is therefore dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
02.12.2024

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Index : Yes
Internet : No
Neutral Citation : Yes
Non-speaking order



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To

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

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