



W.P.No.31442 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.31442 of 2019

1.G.Ramesh Babu
2.R.G.N.Kumaresan

.. Petitioners

Vs

- 1.The Zone Officer,
Zone – 11, Chennai Corporation,
No.123, Arcot Road, Valasaravakkam,
Chennai-600 087.
- 2.The Inspector of Police,
K10, Koyambedu Police Station,
Annanagar Police District, Koyambedu,
Chennai-600 107.
- 3.The Assistant Commissioner of Police,
Koyambedu Police Range, Maduravoyal,
Chennai-600 095.
- 4,The Thasildar,
Maduravoyal Taluk Office,
Maduravoyal, Chennai-600 087.
- 5.The Assistant Executive Engineer (O&M),
Tamilnadu Electricity Board,
Valasaravakkam, Chennai-600 087.



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6.The Assistant Engineer,
Chennai Corporation,
Division – 148, Unit – 33,
Zone 11, Chennai.

7.The Assistant Executive Engineer,
Division 148, Unit 33,
Zone 11, Chennai.

8.The Executive Engineer,
Chennai Corporation,
Zone 11, Chennai.

9.John Immanuel

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus (a) directing the respondents to consider and thereby disposing the representation made by the petitioner on 10.10.2018, 14.5.2019 and (b) directing 1 to 4 respondents to conduct the adjudication process as per the direction of Chennai District Collector vide Letter No.O.Mu.34768/2018/J14, dated 15.2.2019 to forbear the unauthorized and illegally constructing building (church) by 9th respondent at Chennai District, Maduravoyal Taluk, within the jurisdiction of Chennai Corporation, No.4, Angamuthu Salai, Periyar Nagar, Nerkundram, Chennai-600 107, measuring an extent of 144 square meter.

For the Petitioners : Mr.V.Rajesh

For the Respondents : Mr.D.B.R.Prabhu
Standing Counsel
for respondents 1,5,6,7 and 8



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: Mr.R.Muniyapparaj
Addl. Public Prosecutor
for respondents 2 and 3

: Mr.M.Habeeb Rahman
Government Advocate
for respondent No.4

: Mr.A.Gunasekar
for respondent No.9

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioners for issuance of a writ of mandamus to forbear the 9th respondent from putting up unauthorised construction in the form of a Church at No.4, Angamuthu Salai, Periyar Nagar, Nerkundram, Chennai-107 measuring an extent of 144 square meter by considering the representations of the petitioners dated 10.10.2018 and 14.5.2019 and in the light of the proceedings of the District Collector, Chennai, dated 15.2.2019.



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2. The case of the petitioners is that without obtaining permission, the 9th respondent is constructing a Church unauthorisedly, thereby converting the said place into a place of service. Despite warning by the jurisdictional police, based on the representations made by the local people, the 9th respondent is continuing his illegal construction activities. Hence, the writ petition.

3. Today, when the writ petition is taken up for hearing, learned counsel appearing for the Corporation submitted that till date the building in question is under lock and seal.

4. Learned counsel appearing for the 9th respondent submitted that as against the lock and seal notice issued by the Corporation, the 9th respondent has preferred an appeal and the said appeal was dismissed by the appellate authority. Learned counsel for the 9th respondent, on instructions from the 9th respondent who is present in Court, submitted that the 9th respondent undertakes to demolish the unauthorised construction and restore the site to its original position within a period of six weeks from the date of receipt of a copy of this order. The said request made by learned counsel for the 9th



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respondent is not seriously disputed by learned counsel for the Corporation as well as by the petitioners.

5. In the light of the above, we pass the following orders:

(1)The respondent Corporation is directed to remove the lock and seal of the building in question and hand over the same to the 9th respondent within a period of one week from the date of receipt of a copy of this order to enable the 9th respondent to demolish the unauthorized structure.

(2)On removal of the lock and seal and handing over of the site to the 9th respondent, the 9th respondent is permitted to take away all his belongings and thereafter, demolish the unauthorized construction at his own cost within a period of six weeks from the date of handing over of the building by the respondent Corporation.

(3)In case, the 9th respondent has failed to demolish the unauthorised construction within the stipulated period, the respondent Corporation is at



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liberty to demolish the unauthorised construction and recover the costs incurred by the Corporation from the 9th respondent.

6. With the above observations, the writ petition stands disposed of. There shall be no order as to costs. W.M.P.No.31617 of 2019 filed to permit the petitioners to file a single writ petition is ordered, inasmuch as the petitioners have paid separate set of court-fee.

(D.K.K., ACJ.) (K.B., J.)
01.08.2024

Index : Yes/No
NC : Yes/No
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To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.

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