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W.P.No.29559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.29559 of 2024 and

W.M.P.No.32209 of 2024

1. S,Sundari
2. P.Seenivasan
3. P.Saravanan
4. Dr.R.Thangasamy
5. S.Jeyaprakash

... Petitioners

-VS-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai-600 003.
2. The Zonal Commissioner,
Greater Chennai Corporation,
Ambattur Zone, Ambattur,
Chennai-600 053.
3. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai-600 053.

4. Tmt.R.Jayakumari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the petitioner's representation dated 03.06.2024 submitted to demolish the construction put up by the



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4th respondent on the property of the petitioners, ie., plot Nos.10 & 11 in S.No.773/2B1A, Pasumpon Nagar Extension, Korattur, Chennai.

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For Petitioners : Mr.K.Rajasekaran
For R1 & R2 : Ms.K.Aswini Devi
For R3 : Mr.S.Yashwanth
Addl. Govt. Pleader
For R4 : Mr.L.Dhamodaran

ORDER

(By D.Krishnakumar,J.,)

This Writ Petition has been filed for a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 03.06.2024 submitted to demolish the construction put up by the 4th respondent on the property of the petitioners, ie., plot Nos.10 & 11 in S.No.773/2B1A, Pasumpon Nagar Extension, Korattur, Chennai.

2. When the matter is taken up for hearing, learned counsel for the respondents 1 & 2 has filed a Status Report on behalf of the Zonal Officer, Zone-VII (Ambattur), Corporation of Chennai, wherein, in Paragraph No.7, it is stated as follows:

“7. It is stated that, as no approved plan or planning permission was produced, on 21.10.2024 the said premises was inspected by the authorities and found deviation and unauthorised construction put up in all the three floors. On the very same day on 21.10.2024 Locking and Sealing Notice under Section 56 & 57 of Town and Country Planning Act, 1971 was issued to secure compliance with the sanctioned plan and to carry out the



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demolition of the deviated portion within 30 days from the date of receipt of this notice. It is submitted that failing which action would be taken in accordance with law. The expiry of the above said period falls on 21.11.2024 and the 4th Respondent failing to carry out the demolition of the unauthorised portion of the buildings, the authorities would take appropriate action as per the rules.”

3. Learned counsel appearing for the 4th respondent stated before this Court that aggrieved by the Notice issued by the Corporation, the 4th respondent has preferred an appeal before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 today and the same is pending.

4. In view of the above submission made by the learned counsel for R4, two weeks' time is granted to the 4th respondent to take steps to number the petition and to obtain an order of stay against Lock and Seal notice, failing which, there is no bar for the respondent Corporation to proceed further against the 4th respondent in accordance with the provisions of law.

5. With the above observation, this Writ Petition is disposed of No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.,]

[P.B.B.,J.,]

07.11.2024

Index: Yes / No

Internet: Yes / No

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Note: Issue order copy on 21.11.2024



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D.KRISHNAKUMAR,J.,

AND

P.B.BALAJI,J.,

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