



W.P.No.28914 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.28914 of 2023

T.Suresh Kumar

..

Petitioner

v.

1. Greater Chennai Corporation
rep by its Commissioner
Rippon Building
Chennai
2. The Assistant Engineer
Zone VI, Division 17, Ward 74
Greater Chennai Corporation
Kilpauk, Chennai 600 010
3. Chennai Metropolitan Development Authority (C.M.D.A)
rep by the Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
4. The Inspector of Police
G-5, Secretariat Colony Police Station
26/61, Barakha Road, Nammalwarpet
A K Swamy Nagar, Purasaiwakkam, Chennai



W.P.No.28914 of 2023

5. Inayath Nisha
W/o B.Haji Mohideen

WEB COPY

6. The Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai 600 009
(R6 suo motu impleaded vide order of Court
dt. 27.02.2024)

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to demolish the unapproved part of building at No.70, Secretariat Colony 8th Street, Kilpauk, Chennai-10 constructed by the 5th respondent.

For Petitioner :: Mr.R.Rajesh Kumar

For Respondents :: Mr.D.B.R.Prabhu
Standing Counsel for R1 & R2
Mr.Thamaraiselvan
Standing Counsel for R3
Mr.S.Sugendran
Additional Public Prosecutor for R4
Mr.P.G.Thiyagu for R5
Mrs.V.Yamuna Devi
Special Government Pleader for R6

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

Having regard to the nature of order that is proposed to be passed in this writ petition, the Secretary to Government, Housing and Urban



W.P.No.28914 of 2023

Development Department, Fort St.George, Chennai 600 009 is suo motu
implied as the 6th respondent in this writ petition.

2. The petitioner has come forward with this writ petition seeking a direction to the official respondents to demolish the unapproved part of building at No.70, Secretariat Colony 8th Street, Kilpauk, Chennai. The construction, according to the petitioner, was put up by the fifth respondent in deviation of the approved plan.

3. The learned counsel appearing for the petitioner states that when there was an earlier order to demolish the building, though the same was challenged by the fifth respondent before the Government under Section 80A of the Tamil Nadu Town and Country Planning Act, the subsequent order is unnecessary, which has been passed for implementation of the previous order passed by the official respondents under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act.

4. The only defence that is raised by the fifth respondent is that the



W.P.No.28914 of 2023

fifth respondent has preferred a revision petition as against the order locking and sealing the premises.

5. Since the fifth respondent should be given an opportunity to pursue her statutory remedy, this Court is inclined to pass the following order:-

(a) The sixth respondent is directed to consider and dispose of the revision petition filed by the fifth respondent under Section 80-A of the Town and Country Planning Act on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after hearing the objections, if any, from the petitioner.

(b) In case the revision petition preferred by the fifth respondent is dismissed and a further direction is issued, the official respondents are directed to take further course of action in terms of the order that may be passed by the sixth respondent, within a period of ten weeks therefrom.

With the above directions, the writ petition stands disposed of. No order as to costs.

Index : yes/no
Neutral citation : yes/no
SS

(S.S.S.R.,J.) (N.S.,J.)
27.02.2024



W.P.No.28914 of 2023

To
WEB COPY

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003
2. The Assistant Engineer
Zone VI, Division 17, Ward 74
Greater Chennai Corporation
Kilpauk, Chennai 600 010
3. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
4. The Inspector of Police
G-5, Secretariat Colony Police Station
26/61, Barakha Road, Nammalwarpet
A K Swamy Nagar, Purasaiwakkam, Chennai
5. The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009



WEB COPY



W.P.No.28914 of 2023

S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

W.P.No.28914 of 2023

27.02.2024