



WEB COPY



W.P.Nos.33543, 33546 & 33550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

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

W.P.Nos.33543, 33546 & 33550 of 2023

P.K.John .. Petitioner in all the W.Ps

v.

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai
2. The Commissioner
Greater Chennai Corporation
Rippon Building
E.V.R.Road, Periamedu
Chennai 600 003
3. The Executive Engineer
Zone-X, Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam
Chennai 600 029



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4. The Assistant Executive Engineer
Unit-28, Zone X
Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam
Chennai 600 029

5. The Assistant Engineer
Division-137, Unit-28, Zone-X
Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam
Chennai 600 029

6. Mr.P.Thomas

7. Mr.Immanuvel Jackzon David Roger

8. The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Fort St.George, Secretariat
Chennai 600 009

9. M.Paulpandian
(R8 & R9 impleaded vide order dated
26.03.2024 in WMP.7122/24 in
WP.33543/2023 & in WMP.7121/24
in WP.33550/23, respectively) ..

Respondents in WP.33543/2023
& 33550 of 2023

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai
2. The Commissioner



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Chennai 600 029

5. The Assistant Engineer
Division-137, Unit-28, Zone-X
Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam
Chennai 600 029

6. Mr.S.P.Samuel Gnanasudar

7. Mr.Immanuvel Jackzon David Roger

8. The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Fort St.George, Secretariat
Chennai 600 009
(R8 impleaded vide order dated
26.03.2024 in WMP.7102/24 in
WP.33546/2023)

.. Respondents in WP.33546/2023



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W.P.No.33543 of 2023 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take action as against the unauthorised/deviated construction of the building of the 6th respondent at Plot No.AP-1223, 12th Sector, 77th Street, K.K.Nagar, Chennai-78 based on petitioner representation dated 22.08.2023 within a time frame.

W.P.No.33546 of 2023 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take action as against the unauthorised/deviated construction of the building of the 6th respondent at Plot No.21, YHWH'S GRACE, Suresh Nagar, 2nd Street, Valasaravakkam, Chennai-87 based on petitioner representation dated 22.08.2023 within a time frame.

W.P.No.33550 of 2023 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take action as against the unauthorised/deviated construction of the building of the 6th respondent at Plot No.20, Pugazhendhi Street, MGR Nagar, K.K.Nagar, Chennai-78 based on petitioner representation dated 22.08.2023 within a time frame.

For Petitioner :: Mr.S.Santhan

For Respondents :: Mr.R.Thamaraiselvan
 Standing Counsel for R1
 Mr.D.B.R.Prabhu
 Standing Counsel for R2 to R5
 Mr.P.Muthukrishnan for R6
 Mr.K.Karthikeyan for R7
 Mr.G.Nanmaran
 Special Government Pleader for R8

COMMON ORDER

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



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WEB COPY All these three writ petitions have been filed by the same petitioner in respect of different buildings, with a common prayer to direct the respondents 2 to 4 to take action against the unauthorized construction, which is in deviation of the building rules, based on the petitioner's representation dated 22.08.2023.

2. The learned counsel appearing for the contesting private respondent(s) states that as against the action taken by the official respondents for removal of the unauthorized construction, the private respondent(s) have filed statutory revisions under Section 80-A of the Tamil Nadu Town and Country Planning Act. It is further stated that aggrieved by the order passed by the Government in one of the revision petitions, a writ petition has been preferred and the other revision petitions are still pending before the Government.

3. The official respondents have already taken action for the unauthorized/deviated construction of the buildings put up by the respective



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private respondents. Since the revision petitions filed under Section 80-A of the Act are pending and final order passed by the Government under Section 80-A in one of the revisions is now under challenge before this Court in an independent writ petition filed by the private respondent in one of the writ petitions, who is the owner of the building, this Court finds that no further order is necessary in these writ petitions. Therefore, giving liberty to the petitioner to implead himself as a party in the writ petition where the order under Section 80-A is challenged or in the revision petitions that are pending before the Government, these writ petitions are disposed of. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
05.06.2024

SS

To

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2. The Commissioner



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S.S.SUNDAR,J.

AND

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