



WEB COPY



WP.No.35271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM:

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP.No.35271 of 2024
and
WMP.Nos.38195 & 41577 of 2024

J.Murali

... Petitioner

-Vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.
2. The Vigilance Officer,
Vigilance Cell,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.
3. The Executive Engineer,
Greater Chennai Corporation, Zone-VI,
158, Strahans Road,
Pattalam, Chennai-600 012.
4. The Asst.Executive Engineer,
Greater Chennai Corporation, Zone VI,
2nd Street, Dhanraja Puram, Kolathur,
Chennai-600 099.
5. The Executive Engineer/Perambur
TANGEDCO
No.75, Paper Mills Road,
Perambur, Chennai-600 049.



WP.No.35271 of 2024

6. The Asst.Engineer, O & M,
TANGEDCO, Baba Nagar,
Rajaji Nagar, Villivakkam,
Chennai-600 049.
7. St.Joseph's Group of Institutions,
Rep.by its Managing Trustee
Mrs.Tulsi Kesari
No.8, First Street, Teachers Guild Colony,
Villivakkam, Chennai-600 049.
8. Dr.N.Bright Samson Advocate
Madras High Court,
St.Joseph's Group of Institutions,
Secretary, House & Office No.8, First Street,
Teachers Guild Colony,
Villivakkam, Chennai-600 049.
9. RAABA Media Private Limited,
RIC Academy, Rep. by its Director,
Prasana Ramanujam,
No.12A/S4, Sembium Redhills High Road,
Kolathur, Chennai-600 099.
- 10.The Secretary,
Municipal Administration,
Government of Tamil Nadu,
Chennai-600 009.
(R10 impleaded vide order dated 26.11.2024
made in WP.No.35271 of 2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent nos.1 to 4 to consider the representation dated 14.01.2024 made by the petitioner herein to take necessary action against the unauthorized construction raised by the 7th respondent at Door No.8, 1st Street, Teachers Guild Colony, Villivakkam, Chennai-600 049.



WEB COPY



WP.No.35271 of 2024

For Petitioner : Mr.V.Janarthanan

For Respondents : Ms.Aswini Devi, K
Standing Counsel for R1 to R4
Mr.L.Jaivenkatesh
Standing Counsel for R5 and R6
Mr.V.Raghavachari
Senior Counsel
for Mr.S.Jaganathan for R7 & R8
Mr.Dr.T.Seenivasan,
Special Government Pleader for R10

ORDER

[Order of the Court was made by **R.SUBRAMANIAN, J**]

It is stated that the writ petition is for Mandamus directing the respondents to consider the representation of the petitioner dated 14.01.2024 to take action against the unauthorized construction put up by the 7th respondent.

2. It is conceded by the Commissioner, Chennai Corporation that the building has been put up without permission and action has been initiated under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 and the premises has been locked and sealed on 27.05.2024. An affidavit has been filed by the Commissioner, Chennai Corporation to that effect. The affidavit is placed on record. The Planning Authority viz., Chennai Corporation will proceed further in accordance with



WP.No.35271 of 2024

law and pursue the action taken under Section 56 and 57 of the Town and Country Planning Act to its logical conclusion.

3. Mr.V.Raghavachari, learned Senior Counsel appearing for the respondents 7 and 8 would contend that the owner of the property has obtained an injunction restraining the Corporation from processing the application for planning permission that has been submitted by the respondents 7 and 8. That is not our concern. No person can construct without a planning permission. If he is prevented from obtaining a planning permission by someone else or by an order of the Court, that is not a reason for a person to construct without planning permission.

4. We therefore dispose of the writ petition with a direction to the Chennai Corporation to pursue the action taken to its logical conclusion. The rights of the respondents 7 and 8, if any available under law to have the offending construction protected is preserved. No costs. Consequently, connected WMPs are also closed.

[R.S.M., J] [C.K., J]
19.12.2024

Index : No
Internet: Yes
Speaking Order
NCC : No
kmi



WP.No.35271 of 2024

To

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WEB COPY



WP.No.35271 of 2024

R.SUBRAMANIAN, J
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WP.No.35271 of 2024

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