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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.37435 of 2024
and
W.M.P.Nos. 40443 & 40444 of 2024

Kings Matriculation Higher Secondary School,
Run by Baby Kings Educational and Charitable Trust,
Rep. by its Chairman and Trustee,
P.Praveen Kumar,
No.85, Villivakkam Road, Kalpalayam,
Kolathur, Chennai - 600 099. ... Petitioner

Versus

1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai - 600 003.

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3.The Principal Secretary / Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

4.The Executive Engineer,
Zone-3, Greater Chennai Corporation,
5th Street, F-Block, Thanikachalam Nagar,
Chennai - 600 010. ... Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in proceedings of the 1st respondent in Letter No.10990/UD-VI(1)/2021-3 dated 12.11.2021 and quash the same.

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.N.Elayaraja

For Respondents : Mr.R.Kumaravel
Additional Government Pleader for R1
M/s.P.T.Ramadevi
Standing Counsel for R2 to R4

O R D E R

We do not find any merit in the Writ Petition. Admittedly, the construction put up by the petitioner is in violation of the sanctioned plan. Permission for construction was obtained for putting up a ground floor and

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a first floor for a primary school. Ground + three floors have been constructed thereby, making two floors of construction wholly unauthorized.

2. Mr.V.Raghavachari, learned Senior Counsel appearing for the petitioner would vehemently contend that the regularization application of the petitioner is pending with the Government. It has become the practice of the violators to construct in violation of the sanctioned plan and thereafter, claim that regularization applications are pending.

3. Mr.V.Raghavachari would also invoke the fact that there are so many violated construction in Thiyagaraya Nagar, which is one of the busiest commercial areas in Chennai and the Government has done very little to remove such unauthorized construction. We have to acknowledge that the Government has exhibited total inaction with reference to removal of unauthorized constructions in Thiyagaraya Nagar. This may be because, the violators there, are powerful and monied people. That by itself will not enable others to violate and put up construction.

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4. The next ground urged by Mr.V.Raghavachari to invoke sympathy is that the petitioner is running a school and there are 1500 students studying there. Be it a School or Church or Mosque or Temple or a Hospital, violation has to be dealt with as a violation. There cannot be any sympathy factor in this. Such misplaced sympathy would only lead to the Authorities attempting regularization of illegal construction invoking the sympathy factor.

5. Hence, we see no merit in the Writ Petition. This Writ Petition fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed. However, extending the sympathy to a limited extent, we direct the Corporation to desist from taking any action till 30.04.2025 i.e., closure of the academic year.

(R.S.M., J.) **(C.K., J.)**
10.12.2024

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Index: No
Speaking
Neutral Citation : No

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