



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP Nos. 8453 & 12263 of 2024

AND

WMP Nos. 13353 & 13355 of 2024

WP No.8453 of 2024:

Mrs.Grace Gnanambal

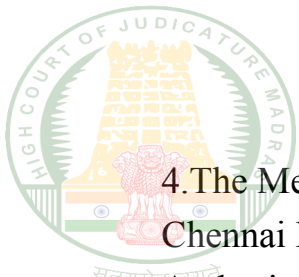
Petitioner(s)

Vs

1.The Secretary To Government
Housing And Urban Development
Department, Fort St. George,
Secretariat, Chennai 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai -600 003.

3.The Inspector General Of
Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai -600028.



4.The Member Secretary,
Chennai Metropolitan Development
Authority, Enforcement Cell,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.

5.The Regional Joint
Commissioner/Deputy Commissioner
(South),
No.118, Dr. Muthulakshmi Salai,
Adyar, Chennai - 600 020.

6.The Commissioner Of Police,
Greater Chennai Police,
EVK Sampath Road,
Vepery, Chennai.

7.The Chairman,
Tangedco, Anna Salai,
Chennai - 600 002.

8.The Director,
Chennai Metro Water Supply And
Sewerage Board, Chennai.

9.The Director
Directorate Of Vigilance And Anti
Corruption, No.293, M.K.N. Road,
Alandur, Chennai 600 016.

10.The District Registrar
Chennai South, No.537, Fenpet,
Nandanam, Chennai -600 035.



11.The Executive Engineer,
Zone-XIV, Greater Chennai
Corporation, No.6/64,
Puzhuthivakkam Main Road,
Chennai -600091.

12.The Sub-Registrar,
O/o.The Velacherry Sub-Registrar,
No.38, 3rd Main Road, Ram Nagar,
Velacherry, Chennai -600042.

13.M/s.Square Developers
Rep. By Its Partner Mr.A.Godwin
Wilson S/o. D. Arul Muthiah
Office At Plot No.59/B, I Main Road,
Sadasivam Nagar,
Madipakkam,
Chennai - 600 091.

14.Mr.G.Devasirvatham

15.Mrs.R. Nirupama

16.Mr.Ashok Kumar Sharma

17.Mr.S.Senthilnathan

18.Mrs.S. Priya

19.Mr.R.Gunasekaran

20.J. Saravanan

21.Minu Priya

22.Mrs.Sumathy

Respondent(s)

WP No. 12263 of 2024

1.S.Senthil Nathan

2.S.Priya

3.R.Ashok Kumar Sharma



4.J.Saravanan

WP Nos.8453 & 12263 of 2024



Petitioner(s)

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Vs

1. The State Of Tamil Nadu

Rep. By Its Secretary To Government,
Department Of Housing And Urban
Development, Secretariat, Fort St
George, Chennai-600 009.

2.Greater Chennai Corporation

Rep. By Its Commissioner,
Ripon Buildings, Chennai-600 003.

3.The Executive Engineer

Zone 14, Greater Chennai Corporation,
Zonal Office, Puzhuthivakkam,
Chennai.

4.G.Devasirvatham

5.Grace Gnanambal

6.M/s.Square Developers

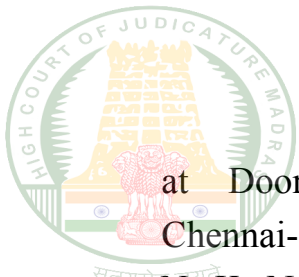
Rep By Its Partner,
A.Godwin Wilson,
Plot No.59/B, First Main Road,
Sadasivam Nagar, Madipakkam,
Chennai-600 091.

Respondent(s)

WP No. 8453 of 2024

PRAYER

directing the 2nd respondent to demolish the deviated construction of building



at Door No.15, Sivasubramanian Street, Ramalinga Nagar, Madippakkam, Chennai-600091 pursuant to the notice issued in No.Ma.14. Na.Ka.No.A1/000311/2023, dated 20.05.2023 based on the order passed by the 1st respondent in Letter No.4840944/UD-VII(2)/2023-3 dated 10.08.2023.

WP No. 12263 of 2024

PRAYER

to call for the records of the 3rd respondent pertaining to the impugned notices dated 15.04.2024 bearing Z.O.14/C.No./A1/11035/2019 issued to the petitioners and to quash the same and consequently forbear the respondents 1-3 from in any way taking any coercive steps such as locking or sealing or demolishing the petitioners' premises in Flat Nos.F3, F4, S3 and S4, Zelda Square Apartments, Plot No.29, Door No.15, Sivasubramaniam Street, Ramalinga Nagar, Madipakkam, Chennai-600 091.

WP No. 8453 of 2024

For Petitioner(s): Mr.D.Ashokkumar

For Respondent(s): Mrs.E.Ranganayaki AGP For
R1, 3, 10 and 12
Mr. D.B.R. Prabhu SC For R2
and 11
Mr. C.Manoharan, SC (CMDA)
For R4
Mr.M.Babu Muthu Meeran APP
For R5, 6 & 9
Mr.S.Silambanan Senior Counsel
For Mr K.Chandru For R15 To
18 & 20
Mr.N.Nithianandam For
Mr. Meiyappan Mohan For R14
Mr. Jerry V.V. Sundar For R8
No Appearance For R7, 13, 19,



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21 & 22

W.P.No.12263 OF 2024

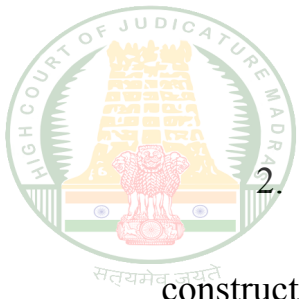
For Petitioner(s): Mr.Silambanan Senior Counsel
For Mr.K.Chandru

For Respondent(s): Mrs.E.Ranganayaki AGP
For R1
Mr. D.B.R. Prabhu SC For R2 & 3
Mr.N.Nithianandam For
Mr. Meiyappan Mohan For R4
Mr.D.Ashok Kumar For R5
No Appearance for R6

COMMON ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the 2nd respondent to demolish the deviated construction of the building at Door No.15, Sivasubramanian Street, Ramalinga Nagar, Madipakkam, Chennai – 600 091 pursuant to the notice dated 20.05.2023, based on the order passed by the 1st respondent in letter dated 10.08.2023.



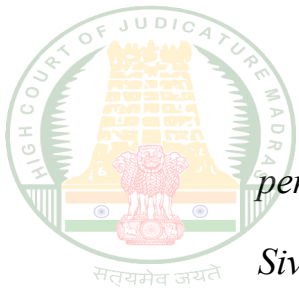
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2. The petitioner filed a compliant stating that unauthorised/deviated construction had been carried out in the subject premises and the complaint filed by him to initiate action had not been responded to. Thus, the writ petition came to be instituted.

3. It is brought to the notice of this Court that the complaint has been lodged by one of the landowners himself. However, it is immaterial whether the complainant is the land owner, a neighbour or otherwise. The issue to be considered is whether any unauthorised/deviated construction has been identified in violation of the building plan permission and whether actions have been initiated by the competent authorities in accordance with law.

4. In the context of the allegations, the Executive Engineer, Zone XIV, Greater Chennai Corporation filed a status report after conducting a field inspection. The status report reveals unauthorised construction and violations in the subject property, the details of which are stated as follows:

“8. I respectfully submit that on scrutinizing the planning



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permission with respect of Block A at Plot No.29, Door No.15, Sivasubramaniam Street, Ramalinga Nagar, Madipakkam, Chennai – 600 091 in PPA/WDCN14/00237/2013 and building approval in BA/WDCN14/04376/2013 the following deviations/unauthorised construction were noted as follows:

<i>Sl.No.</i>	<i>Description</i>	<i>As per Approved Plan</i>	<i>As Per Site</i>	<i>Remarks</i>
<i>Set Back</i>				
<i>1</i>	<i>Front Side</i>	<i>1.52</i>	<i>Nil</i>	<i>Sub divided Plot 29A & 29B buildup</i>
<i>2</i>	<i>Read Side</i>	<i>1.52</i>	<i>0.7</i>	<i>Combinedly</i>
<i>3</i>	<i>East Side</i>	<i>1.52</i>	<i>0.7</i>	<i>0.82</i>
<i>4</i>	<i>West Side</i>	<i>1.52</i>	<i>Nil</i>	<i>1.52</i>
<i>Floor Area</i>				
<i>1</i>	<i>Silt Floor Area</i>	<i>Fully Silt</i>	<i>15.35</i>	<i>Totally unauthorised</i>
<i>2</i>	<i>First Floor Area</i>	<i>77.65</i>	<i>153.81sq.m</i>	<i>76.16 sq.m</i>
<i>3</i>	<i>Second Floor Area</i>	<i>77.65</i>	<i>153.81sq.m</i>	<i>76.16 sq.m</i>
<i>Plot Coverage & FSI</i>				
<i>1</i>	<i>Coverage Area</i>	<i>61.25%</i>	<i>121.32%</i>	<i>60.07%</i>
<i>2</i>	<i>FSI</i>	<i>1.25</i>	<i>2.54</i>	<i>1.29</i>

9. I respectfully submit that on scrutinizing the planning permission with respect of Block A at Plot No.29, Door No.15, Sivasubramaniam Street, Ramalinga Nagar, Madipakkam, Chennai – 600 091 in PPA/WDCN14/02238/2013 and building approval in BA/WDCN14/04377/2013 the following deviations/unauthorised



construction were noted as follows:

Sl.No.	Description	As per Approved Plan	As Per Site	Remarks
Set Back				
1	Front Side	1.52	Nil	Sub divided Plot 29A & 29B buildup
2	Read Side	1.52	0.7	Combinedly
3	East Side	1.52	0.7	0.82
4	West Side	1.52	0.4	1.12
Floor Area				
1	Silt Floor Area	Fully Silt	131.63 sq.m	131.63sq.m
2	First Floor Area	99.09 sq.m	153.81 sq.m	54.72 sq.m
3	Second Floor Area	99.09 sq.m	153.81 sq.m	54.72 sq.m
Plot Coverage & FSI				
1	Coverage Area	58.61%	90.96%	32.53%
2	FSI	1.17	2.59	1.42

Hence, further action has been taken by issuing a Locking and Sealing Notice dated 09.11.2018 under Section 56 & 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971 to all the occupants of the building Plot No. 29, Door No. 15, Sivasubramaniam Street, Ramalinga Nagar, Madipakkam, Chennai – 600 091 including the petitioners herein.”

5. Though the Corporation has initiated action and issued a notice in the year 2018, no further action was taken.

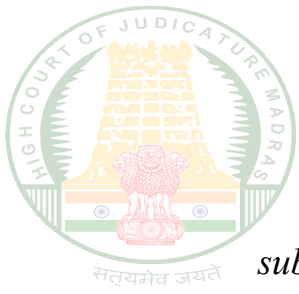


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6. It is seen from the records that the occupants/owners of the plots preferred a revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the Government. The Government elaborately considered the issues on merits and by affording opportunities to the parties, and passed final orders vide letter dated 28.04.2022.

7. A direction was issued by the Government to make necessary rectification within three months and submit a revised planning permission as per the Tamil Nadu Combined Development Building Rules, 2019. However, another round of litigation commenced at the instance of the occupants of the building, seeking to prolong and protract the proceedings.

8. Once again, a revision under Section 80A Tamil Nadu Town and Country Planning Act was instituted and the Government again considered the merits of the case and passed final orders in letter dated 10.08.2023. The relevant paragraphs of the orders are extracted hereunder:



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“13. After hearing all sides and considering the facts and submissions, the Government hereby grant three months time as a final opportunity to the revision petitioners and all other owners of the said building to rectify the deviations in the building in co-ordination with the developer and to obtain revised approval for the rectified building as per Tamil Nadu Combined Development and Building Rules, 2019. Till such time there shall be a stay on the De-occupation notice dated on 20.05.2023 and all other proceedings of Greater Chennai Corporation issued in respect of the said building. On expiry of the said period of three months time, Greater Chennai Corporation shall proceed with further enforcement action, if the petitioners failed to comply the above directions.

14. All the special revision petitions filed in respect of the building in the site under Section 80(A) and stay petition under Section 80-A(3) of Tamil Nadu Town and Country Planning Act, 1971 are disposed accordingly.”

9. Multiple revision petitions under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 are neither contemplated nor maintainable. Once the Government disposes of a revision petition, it is to be implemented by



the concerned authorities. Paving way for further litigation would cause prejudice and defeat the very purpose and object of the Act and Rules.

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10. The Chennai City area has become a concrete jungle with many greedy men and women constructing buildings in violation of the building plan permission. The Corporation authorities seem to be silent and mute spectators and there are widespread allegations of corruption in public domain against them.

11. The Corporation authorities are expected to conduct inspections at every stage of construction from the commencement of building and take prompt action against violations, deviations, or unauthorized constructions to prevent unnecessary financial loss and inconvenience to the public. Unauthorised constructions pose dangers to neighbours, road users and the environment, contributing to issues like air pollution.

12. The right to a peaceful and decent life is a fundamental right

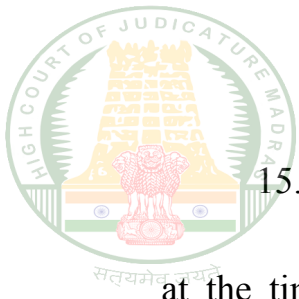


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enunciated under the Constitution. It is the duty of the 'State' and competent authorities to ensure that the buildings are constructed as per the building plan permission and in consonance with the Statutes and Rules in force. The authorities must be sensitive towards unauthorised constructions in urban areas and any negligence on their part should be viewed seriously.

13. The learned Standing Counsel appearing on behalf of the Greater Chennai Corporation relying on the status report would submitted in the present case the authorities are sensitive. After disposal of the revision by the Government under Section 80A of the Town and Country Planning Act, a notice was issued. However, the writ petition was filed and in view of the interim order granted, no further action has been taken.

14. That apart, the building owners have not obtained the revised plan as per the directions issued by the Government after effecting rectifications. Thus, further enforcement actions are initiated.



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15. May that as it be, the observations of this Court are relevant because at the time of construction inspections are not conducted properly. In other words, timely action by these authorities is of paramount important. Instead of enforcement actions, unauthorised constructions can be prevented at the initial stage, which would be in the interest of public and unnecessary financial loss also can be averted. This exactly is the reason why the Courts have repeatedly emphasized the importance of authorities conducting inspections at the initial stage and during the commencement of building construction, so as to ensure that the buildings are being constructed strictly in accordance with the building plan permission.

16. In the present case, multiple revision petitions have been instituted and the Government has consistently rejected them.

17. The learned Senior Counsel appearing on behalf of the petitioners / flat owners would submit that the builder has misguided the flat purchasers. The Division Bench of this Court in judgment dated 11.01.2023 in



W.P.MD.No.23772 of 2022 issued a direction to the promoter to pay necessary compensation / alternative accommodation to the buyers of the flats. Therefore, the same direction is to be issued.

18. Considering the facts and circumstances, this Court is inclined to direct the competent authorities of the Greater Chennai Corporation to continue the enforcement actions and demolish the unauthorised/deviated portion of the building, by following the procedures within a period of twelve (12) weeks from the date of receipt of a copy of this order.

19. The Greater Chennai Corporation is directed to recover the expenditure from the promoter, who constructed the building. As far as the financial loss caused to the purchasers are concerned, they are at liberty to initiate all appropriate actions against the promoters in the manner known to law. The official respondents are directed to initiate proceedings under the penalty provisions of the Tamil Nadu Town and Country Planning Act, 1971.



20. With the above directions, the Writ Petitions stand disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

24-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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Housing And Urban Development
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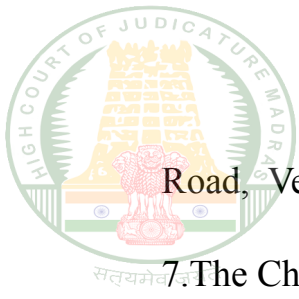
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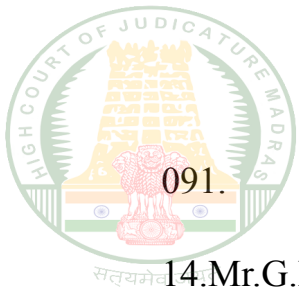
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Nagar, Madipakkam, Chennai - 600



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14.Mr.G.Devasirvatham S/o Gnaniah,
Door No.15, Sivasubramaniam Street,
Plot No.29, Ramalinga Nagar,
Madipakkam, Chennai - 600 091.

15.Mrs.R. Nirupama W/o. Mr. Ashok
Kumar Sharma
S-3, Door No.15, Sivasubramaniam
Street, Plot No.29, Ramalinga Nagar,
Madipakkam, Chennai - 600 091.

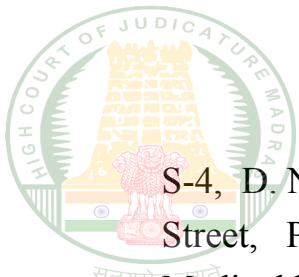
16.Mr.Ashok Kumar Sharma
S-3, Door No.15, Sivasubramaniam
Street, Plot No.29, Ramalinga Nagar,
Madipakkam, Chennai - 600 091.

17.Mr.S. Senthilnathan S/o.
Somasundaram
F-3, D. No.15, Sivasubramaniam
Street, Plot No.29, Ramalinga Nagar,
Madipakkam, Chennai - 600 091.

18.Mrs.S. Priya W/o. R. Senthilkumar
F-4, D.No.15, Sivasubramaniam
Street, Plot No.29, Ramalinga Nagar,
Madipakkam, Chennai - 600 091.

19.Mr.R.Gunasekaran
G-2, D. No.15, Sivasubramaniam
Street, Plot No.29, Ramalinga Nagar,
Madipakkam, Chennai - 600 091.

20.J. Saravanan S/o. K. Jeyaraman



S-4, D. No.15, Sivasubramaniam
Street, Plot No.29, Ramalinga Nagar,
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21.Minu Priya W/o.Gopinath,
G-1, D. No.15, Sivasubramaniam
Street, Plot No.29, Ramalinga Nagar,
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22.Mrs.Sumathy W/o. M.M. Saravanan
G-3, D. No. 15, Sivasubramaniam
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