



WEB COPY



W.P.No.9718 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM  
AND  
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.9718 of 2024

V.C.K.Ambikapathy

..

Petitioner

v.

1. The Commissioner  
Greater Chennai Corporation  
Ripon Buildings  
Chennai 600 003
2. The Executive Engineer, Zone-5  
Greater Chennai Corporation  
Chennai 600 003
3. The Assistant Engineer  
Division 57  
Greater Chennai Corporation  
Chennai 600 003
4. Govindu Naicker Trust  
M2K Advisor LLP 7<sup>th</sup> Floor  
Briley One, No.30/64, Ethiraj Salai  
Egmore, Chennai 600 008

..

Respondents



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice dated 17.11.2023 from the 3<sup>rd</sup> respondent and quash the same as null and void and consequently directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Door No.383, Mint Street, Chennai 600 079 without no fault of the petitioner.

For Petitioner :: Mr.A.K.M.Samsunihar

For Respondents :: Mr.D.B.R.Prabhu  
Standing Counsel for R1 to R3  
No appearance for R4

ORDER

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

The de-occupation notice issued under Section 56(2)(A) & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 on 17.11.2023, is under challenge in the present writ proceedings.

2. No writ against a notice is entertainable in routine manner. A writ would be entertainable if such notice has been issued by an incompetent authority having no jurisdiction or the allegation of mala fides are raised. Even in case of raising allegation of mala fides, the authority against whom



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such allegation is made, must be impleaded as party respondent in his personal capacity in the writ proceedings. In all other circumstances, the person who received notice is expected to submit his explanation along with the documents, if any, to establish his case.

3. The learned counsel for petitioner would submit that the subject building is old. However, it is not in dispute that during the relevant point of time, the construction of the building was unauthorised. Therefore, the authorities are empowered to verify the building plan permission, if any obtained, and in the event of unauthorised construction, they are empowered to initiate actions by demolishing the same by following the due process.

4. The learned Standing Counsel for the Corporation would submit that all actions are already initiated and on account of the pendency of the present writ petition, further actions are stopped.

5. In view of the facts and circumstances, the petitioner is at liberty to submit his explanation along with the documents, if any, within a period of



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one week from today and on receipt of any such explanation, the official respondents shall look into the same and thereafter proceed with the actions by following the procedures as expeditiously as possible.

6. With the above observation, the writ petition stands dismissed. Consequently, interim order stands vacated and the W.M.P.No.10745 of 2024 is also dismissed. No costs.

Index : yes  
Neutral citation : yes/no  
ss

(S.M.S.,J.) (K.R.S.,J.)  
05.02.2025

To

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