



WEB COPY

WP No. 7783 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

CORAM

**THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K. RAJASEKAR**

WP No. 7783 of 2025

and

WMP No.8741 of 2025

1. D.Prakash Chand
No.5, Kulandi Gramani Street,
Purasaiwalkkam, Chennai- 084.

Petitioner(s)

Vs

1. The Secretary To Government
(Technical)
Housing and Urban Development
Department, Secretariat,
Chennai- 600 001.

2.The Commissioner,
Greater Chennai Corporation.

3.The Executive Engineer
Division 78, Unit 17, Zone VI,
Strahans Road, Thiru Vi Ka Nagar,
Chennai -12.



4.The Assistant Executive Engineer
Unit 17, Zone VI, Strahans Road,
Thiru Vi Ka Nagar, Chennai -12.

WEB COPY

5.The Tahsildar
Purasaiwakkam Zone, Chennai- 03.

6.Savithri.K
W/o.G. Karunakaran, No.84,
Arimuthu Maistry Street, Choolai,
Chennai- 112.

7.G.Karunakaran
No.84, Arimuthu Maistry Street,
Choolai, Chennai- 112.

8.K.Suresh
S/o.G.Karunakaran, No.84, Arimuthu
Maistry Street, Choolai, Chennai- 112.

Respondent(s)

PRAYER

Directing the 2nd Respondent to act in compliance with the order passed by 1st Respondent in Letter No. 6333391/UD-VII (1)/2023-2, dated 12.9.2024 and consequently demolish the illegal/unauthorized construction in the property at Door No.88, Choolai High Road, Choolai, Vepery, Chennai-600 112, comprised in OA No.1002 , RS No.1034, Patta R.S.No.1034/3 measuring 872 Sq.ft.

For Petitioner(s): Mr.Nithyaesh Natraj
For Mr.Vaibhav R Venkatesh

For Respondent(s): Mrs.E.Ranganayaki,
Additional Government Pleader
For RR1 and 5



WEB COPY

WP No. 7783 of 20



Mr. E.C. Ramesh,
Standing Counsel For Greater
Chennai Corporation
For RR2 to 4

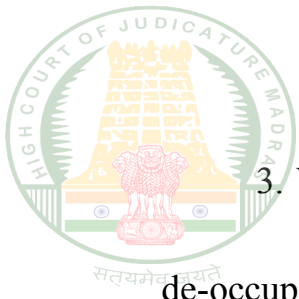
Mr.S.Rajendra Kumar
For RR6 to 8

ORDER

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

The writ of mandamus has been instituted to direct the second respondent to act in compliance with the order passed by the first respondent in Letter No. 6333391/UD-VII (1)/2023-2, dated 12.9.2024 and consequently demolish the illegal/unauthorized construction in the property at Door No.88, Choolai High Road, Choolai, Vepery, Chennai-600 112, comprised in OA No.1002, RS No.1034, Patta R.S.No.1034/3 measuring 872 Sq.ft.

2. The petitioner submitted a complaint to the Commissioner, Greater Chennai Corporation to remove the unauthorized constructions in the subject property at Door No.88, Choolai High Road, Choolai, Vepery, Chennai-600 112. Since no action has been taken, the writ petition came to be instituted.

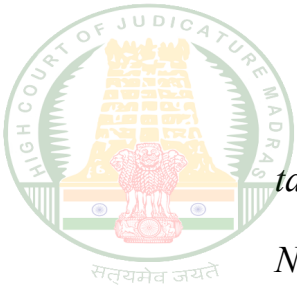


WEB COPY

3. With reference to the subject property, earlier locking and sealing and de-occupation notice was issued by the Greater Chennai Corporation on 18.10.2023 and 19.12.2023. A Revision Petition was filed before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act. The Government adjudicated the issues and passed an order vide letter dated 12.09.2024 as under:

“(x) The unauthorized ongoing construction comprising Ground Floor + 2 floors has been carried out by the Tmt.R.Savithri / lessee in the rear side of the subject premises. Greater Chennai Corporation has issued notice to the revision petitioner Thiru.Karthikeyan as an occupier of the old structure at front side in the subject premises against which this revision petition was filed.

8. Considering the above facts and submissions made the Government hereby dismiss the revision petition filed by Thiru.R.Karthikeyan under Section 80-A and Stay Petition under Section 80-A(3) of Tamil Nadu Town and Country Planning Act, 1971 as the existing building in the subject premises is unauthorized. Greater Chennai Corporation shall issue notice to the lawful owner and occupier and proceed to



take further enforcement action as per the provisions in Tamil Nadu Town and Country Planning Act, 1971.”

WEB COPY

4. Pursuant to the orders of the Government, further action has been initiated. But the unauthorized constructions are yet to be demolished.

5. The learned counsel appearing on behalf of the respondents No.6 to 8 would submit that the ownership dispute is pending before the Court and the said fact has been suppressed by the petitioner. However, the said statement has been denied by the learned counsel appearing on behalf of the petitioner by stating that the pendency of the suit has been stated in the affidavit itself.

6. May that as it be, The Tamil Nadu Town and Country Planning Removal of (Unauthorized Development Rules) 2022, Rule 3 speaks about calling of documents by the appropriate planning authority and reads as under:

“3. Calling of documents by the appropriate planning authority._

The appropriate planning authority or the Officer authorised by him in this behalf, may, on their own motion or on receipt of any complaint regarding unauthorized development of



WEB COPY



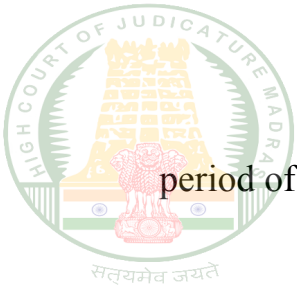
any land or building, for the purpose of taking action under Section 56 & 57 of the Act, call for any document or record relating to such unauthorized development, by issuing a notice in Form I to the owner or occupier of the such land or building or to the person in whose possession such document or record is believed to be, to be produced within the time stipulated therein.”

7. The above Rule would indicate that notice in Form-I to be issued to the owner or occupier of such land or building or to the person in whose possession such document or record is believed to be, to be produced within the time stipulated therein. Therefore, the Corporation is empowered to issue notice either to the owner or to the occupier of the building. Notice was issued on earlier occasion and locking and sealing and de-occupation notice was issued by the Corporation on 18.10.2023 and 19.12.2023. Challenging the said order a revision under Section 80-A of the Town and Country Planning Act was also filed by the then occupier. That being so, now the contesting respondents No.6 to 8 cannot claim that the ownership dispute is pending before the Civil Court. The title dispute is unconnected with the allegations of unauthorized building constructions.



8. In the present case, the Building Plan Permission has not been produced by the occupier or by the owner. The Corporation filed a Status Report stating that the entire building is unauthorized. Since the owner has not produced any building plan permission despite the fact that notice was issued. Therefore, it is for the owner or the occupier to produce the building plan permission if any obtained for constructing the subject building. If it is not produced, then, it is to be construed that the building is wholly unauthorized and the Corporation is empowered to continue the enforcement action by following the procedures.

9. Since a revision earlier filed under Section 80-A of the Town and Country Planning Act was rejected by the Government vide letter dated 12.09.2024 and the Corporation was directed to proceed with the enforcement action as per the provisions of the Act, there is no reason to postpone the enforcement action. That being the factum, the respondents No.2, 3 and 4 are directed to continue the enforcement action, demolish the unauthorized building by following the further procedures if any to be followed under the Act, within a



period of eight (8) weeks from the date of receipt of a copy of this order.

WEB COPY

10. The writ petition stands allowed. There shall be no order as to costs.

Consequently, the connected miscellaneous petition stands closed.

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

08-04-2025

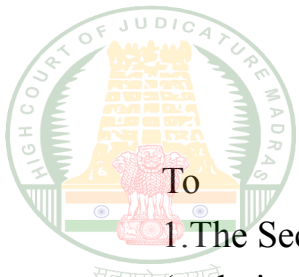
ssi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.The Secretary To Government
(technical)

Housing And Urban Development
Department, Secretariat,
Chennai- 600 001.

2.The Commissioner
Greater Chennai Corporation.

3.The Executive Engineer
Division 78, Unit 17, Zone Vi,
Strahans Road, Thiru Vi Ka Nagar,
Chennai -12.

4.The Assistant Executive Engineer
Unit 17, Zone Vi, Strahans Road,
Thiru Vi Ka Nagar, Chennai -12.

5.The Tahsildar
Purasaiwakkam Zone, Chennai- 03.

6.Savithri.K
W/o.G. Karunakaran, No.84,
Arimuthu Maistry Street, Choolai,
Chennai- 112.

7.G.Karunakaran
No.84, Arimuthu Maistry Street,
Choolai, Chennai- 112.

8.K.Suresh
S/o.G.Karunakaran, No.84, Arimuthu
Maistry Street, Choolai, Chennai- 1



WEB COPY

WP No. 7783 of 20



S. M. SUBRAMANIAM J.
AND
K. RAJASEKAR J.

ssi

WP No. 7783 of 2025

08.04.2025