



WEB COPY



W.P.No.4913 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.4913 of 2025

and

Writ Miscellaneous Petition Nos.5438 & 5440 of 2025

Sri Muthukumaraswamy Devasthanam

Popularly known as Kandakottam

Represented by its Executive Officer K.Sivakumar

... Petitioner

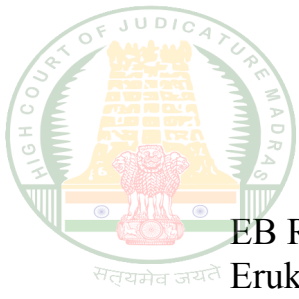
Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Poonamallee High Road,
Chennai – 600 003.

2.The Zonal Officer,
Greater Chennai Corporation,
Zone-IV, Tondiarpet,
Chennai – 600 081.

3.The Assistant Commissioner,
Greater Chennai Corporation,
Erukancherry,
Chennai – 600 118.

4.The Assistant Engineer O & M,
TANGEDCO – Erukancherry,



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EB Road, Gandhi Nagar,
Erukanchery, Chennai – 118.

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5.A.I.P.Kalaiselvi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents 1 to 3 to stop the illegal construction, put up by the fifth respondent in the land situate in Door No.8/7, Bharathidasan Street, Kodungaiyur, Chennai – 118, comprised in Old Survey No.144/1C and T.S.No.105, Kodungaiyur Village, Chennai-118, based upon the representation of the petitioner dated 27.01.2025.

For Petitioner : Mr.R.Bharanidharan

For RR1 to 3 : Mr.A.C.Mani Bharathi
Standing Counsel for Greater Chennai Corporation

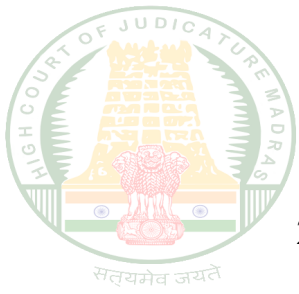
For R4 : Mr.L.Jaivenkatesh
Standing Counsel for TANGEDCO

For R5 : Mr.A.S.Alagu Raja

ORDER

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

The present writ of mandamus has been instituted by Sri Muthukuamaraswamy Devasthanam, popularly known as Kandakottam, represented by its Executive Officer.



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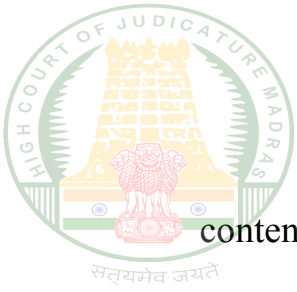
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2. The relief sought for in the writ petition is to direct the respondents 1 to 3 to stop illegal construction, put up by the fifth respondent in the land situated in Door No.8/7, Bharathidasan Street, Kodungaiyur, Chennai – 118, comprised in Old Survey No.144/1C and T.S.No.105, Kodungaiyur Village, Chennai-118, based upon the representation of the petitioner dated 27.01.2025.

3. The land belongs to the petitioner Temple.

4. The learned counsel for the petitioner states that the fifth respondent is constructing building unauthorizedly, without getting any building plan permission and consent from the temple administration as required under the provisions of the HR & CE Act. Since the fifth respondent has not stopped unauthorized constructions, action was initiated and representation was submitted to the respondents 1 to 3 to remove the unauthorized constructions. No action was taken by the Corporation and thus, the present writ petition came to be instituted.

5. The learned Standing Counsel appearing on behalf of the Greater Chennai Corporation submitted the copy of the notice issued by the Assistant Engineer, Chennai Corporation to the fifth respondent on 03.03.2022, calling upon the fifth respondent to produce the documents for verification. It is further



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contended that all further actions are initiated to conduct field inspection and initiate further actions.

6. Thus, the Corporation authorities shall look into the documents, if any produced by the fifth respondent and thereafter, ascertain the unauthorized constructions if any exists in the subject property and continue further actions to demolish the unauthorized constructions by following the due procedures as contemplated under the Acts and Rules. The fifth respondent is at liberty to submit documents under his possession, if any. The said exercise is directed to be completed within a period of three (3) months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands allowed. Till such time, the Corporation authorities shall take a final decision and pass orders no further constructions to be allowed in the subject premises. There shall be no order as to costs. Consequently, the connected miscellaneous petitions also stands closed.

(S.M.S., J.) (K.R.S., J.)
12.03.2025

ssi
Index: Yes

<https://www.mhc.tn.gov.in/judis>



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Speaking Order: Yes/No
Neutral Citation Case : Yes/No

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To

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