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W.P.No.5327 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

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

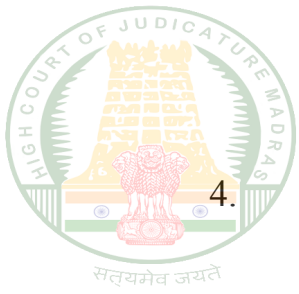
W.P.No.5327 of 2025
and
WMP.No.5905 of 2025

Federation of East Coast Road (ECR),
Residents Welfare Association, represented by its
President A.Govindasamy.

... Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
3. The Zonal Officer,
14th Zone, Greater Chennai Corporation,
No.6/64, Puzhuthivakkam Main Road,
Perungudi, Chennai - 600 091.



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W.P.No.5327 of 2017



4. The Assistant Executive Engineer,
Kottivakkam Ward, Ward No.183,
Greater Chennai Corporation,
Chennai - 600 041.

5. Anandaraj
6. Sugan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, directing the respondents 1 to 4 to take immediate steps to demolish the unauthorized and illegal construction carried on by the 5th respondent in the petitioner property bearing Plot Nos.40 & 41, Door Nos.3/452 & 3/453, approximately measuring 4800 sq.ft., situated in the 6th street, Sri Venkateswara Nagar, Kottivakkam, Chennai - 600 041.

For Petitioner : Mr.E.Prabu

For Respondents : Mr.R.Sivakumar
Standing Counsel for R1

: Mr.P.Prithivi Chopda
Standing Counsel for R2 to R4

: Mr.T.K.S.Gandhi for R5 and R6



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ORDER

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

The writ of mandamus has been instituted to direct the respondents 1 to 4 to take immediate steps to demolish the unauthorized and illegal construction carried on by the 5th respondent in the petitioner's property bearing Plot Nos.40 & 41, Door Nos.3/452 & 3/453, approximately measuring 4800 sq.ft., situated in the 6th street, Sri Venkateswara Nagar, Kottivakkam, Chennai - 600 041.

2. The grievance of the petitioner association is that the unauthorized constructions / deviations in ECR road is posing danger to the neighbours and causing inconvenience to the citizens residing in that locality.

3. Large scale corrupt activities in the matter of building constructions in urban areas cannot be ruled out. The field Officials of various Corporations across the State are remaining as mute spectators in respect of such unauthorised constructions. Unless the Government and the Corporations take a tough stand in these issues, it would be very difficult for the people to live peacefully, which is the basic right enshrined under the Constitution of India. Right to life includes peaceful life of citizens. The building violations are causing unrest amongst the neighbours and the road



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users. Building violations are greater problem and a serious issue in urban areas. Thus, the Authorities, if continue to be insensitive towards violations, they are not only committing a sin but committing an unconstitutionality, dereliction of duty and negligence warranting prosecution and disciplinary action.

4. In the present case, the Assistant Commissioner, Zone-14, Greater Chennai Corporation filed a status report. The relevant paragraphs reads as under:

"6. ...immediately after inspecting the site in question actions has been taken by issuing a Stop Work Notice / Notice calling for Approved Plan dated 20.11.2024 under Section 56(1) and 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971 to the petitioners.

Sl. No.	Description	As per approved plan	As per site	Deviation
1	Ground Floor (GI Sheet Roofing like Structure)	-	175.75m ²	175.75m ²



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Hence, further action has been taken by issuing a Locking and Sealing Notice dated 20.03.2025 under Section 56 & 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971 to the 5th and 6th respondents of the building at Plot No.40 & 41, Door Nos.3/452 & 3/453, 6th Street, Sri Venkateswara Nagar, Kottivakkam, Chennai - 600 041.

7.further action against the semi-permanent structure of the semi-permanent structure building at Plot No.40 & 41, Door Nos.3/452 & 3/453, 6th Street, Sri Venkateswara Nagar, Kottivakkam, Chennai - 600 041 will be taken as per the provision of Tamil Nadu Town and Country Planning Act, 1971.

5. In view of the fact that the Corporation has already initiated action for demolishing unauthorised construction, they are directed to proceed with the enforcement actions and complete the same in all respects within a period of eight weeks from the date of receipt of a copy of this order.



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With the above direction, the Writ Petition stands disposed of. No

costs. Consequently, connected miscellaneous petition is closed.

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[S.M.S,J.] [K.R.S,J.]
03.04.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

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Chennai Metropolitan Development Authority,
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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