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W.P.No.5929 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

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

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.5929 of 2025

and

Writ Miscellaneous Petition No.6525 of 2025

1. Mrs.Fathima Yakub
2. Mrs.Ghousia Moinudeen
3. Mr.Khader Hassan
4. Mrs.Khathija Mehtab
W/o. Moonsor Ahamed
Rep. By her Power Agent,
Mrs.Fathima Yakub (Power of Attorney Deed,
dated 04.10.1990 Doc No.312/1990, on the file
of DRO Madras Central No.26, Eldams Road,
Chennai – 18.)

... Petitioners

Vs.

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai – 600 009.
2. The Member Secretary, CMDA
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 08.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to quash the impugned order passed by the 1st respondent in Letter 7969211/UD8(2)/2024-10 dated 07.11.2024 and consequently directing the 2nd respondent to pass necessary order to regularize the existing structure.

For Petitioners : Mr.V.Meenakshi Sundaram

For R1 : Mr.V.Chandrasekaran
Special Government Pleader

ORDER

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

The revision order passed by the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 in proceeding dated 07.11.2024 is sought to be assailed in the present writ proceedings.

2. Based on the complaint, action was initiated by the respondent CMDA and Field Inspection was conducted. The authorities found large scale violations and unauthorized constructions. One entire block was constructed without any planning permission and in respect of other blocks, large scale unauthorized constructions are identified. Notice was issued and



action was taken to demolish the unauthorized constructions.

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3. The petitioners filed revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The Government elaborately considered the grounds raised by the writ petitioners and sufficient opportunities were provided to the writ petitioners to represent their case. Final Order in revision petition was filed in proceeding dated 07.11.2024 and paragraph No.7 and 8 of the order reads as follows:

“7. With regard to this revision petition the following are observed:

a) The approval was obtained for single block for residential use with 24 dwelling units and a departmental store.

b) As on site 3 blocks of buildings are put up in deviation to the approved plan including unauthorized additional floors, additional blocks and usage conversion.

c) Unauthorized additional construction was made also in the approved block. Two more blocks one in the front portion comprising ground floor + first floor + second floor for commercial use have been constructed. The other block comprising ground floor + first floor for commercial use was also put up on the rear side of the subject premises. The deviations / violations are stated in para 2 above.

d) As the 2 additional blocks for commercial use was put up unauthorizedly at site, more number of car parkings are required which may not be feasible to accommodate in the site.

e) The existing 3 buildings in the subject premises are



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put up with large scale violations including setback violation, no. of floors, height, no. of blocks, floor area, usage conversion, FSI, parking etc.

f) There are about 50 UDS/undivided share owners for the subject premises.

g) As there are more number of owners, the issues involved in UDS among the owners of the buildings in the subject premises are not known.

h) Few owners including the developer Thiru.Khader Hassan and tenants have filed the revision petition to the Government as indicated in para one above.

i) The revision petitioners requested to grant time.

8. Considering the facts and submissions made, the Government hereby pass order as follows:-

(i) The revision petitioners and all lawful owners of the buildings in the subject premises are granted three months time to rectify the deviations/violations in the building in compliance with the Tamil Nadu Combined Development and Building Rules, 2019 and obtain revised approval for the building in the premises or to restore the building as per the approved plan obtained earlier.

(ii) CMDA shall de-seal the portions which are under lock & seal condition in the building for the said period of three months time to enable them to comply with the directions given in (i) above.

(iii) For the portions which are already de-sealed, Chennai Metropolitan Development Authority shall continue to keep the building in de-seal condition for the said period of three months time.

(iv) Till such time no coercive action shall be taken



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against the building in the subject premises.

(v)On expiry of the said period of 3 months time, CMDA shall proceed to re-lock the building, if the above directions are not complied within the time granted.”

4. The Government granted 3 months' time' to the petitioners to rectify the deviations / violations in the building, in compliance with the Tamil Nadu Combined Development and Building Rules, 2019 and obtained revised approval for the building in the premises are to be restored the building as per the approved plan obtained earlier.

5. Though the order impugned was passed on 07.11.2024 the petitioners instead of complying with the order has chosen to file the present writ petition on the ground that they will take steps to rectify the violations/deviations.

6. The learned counsel for the petitioners would submit that the time may be further extend to three months, enabling the petitioners to take appropriate steps.

7. This Court do not find any reason to grant extension of time as the



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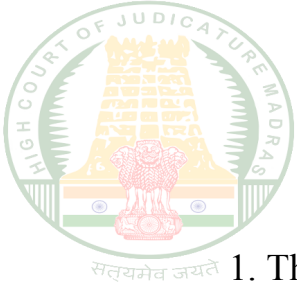
violations and unauthorized constructions are apparent and the Government elaborately considered the merits and passed speaking orders. That being so, this Court has no reason to interfere with the findings made in the impugned order. The respondents are directed to comply with the orders by following due procedures.

8. With these observations, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S., J.) (K.R.S., J.)
24.02.2025
(1/2)

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

To



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