



WEB COPY

WP No. 10236 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 10236 of 2025

and

WMP.Nos.11514, 11515 & 11519 of 2025

1. T.Johnson

S/o. M.Abraham @ Thanthony, Plot
No. 482, Saraswathy Nagar Main
Road, Thirumullaivoyal, Chennai-062.

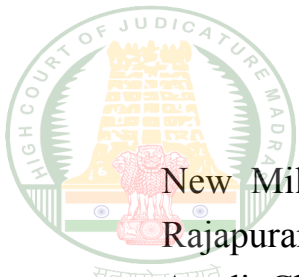
Petitioner(s)

Vs

1. The Secretary To Government
Housing And Urban Development,
Secretariat, Rajaji Salai,
Chennai-09.

2.The Member Secretary
Chennai Metropolitan Development
Authority, Egmore, Chennai-08.

3.The Commissioner
Aavadi City Municipal Corporation,
Corporation Of Chennai, No.391,



New Military Road, Tirumalai
Rajapuram, T.N.H.B.Mig V Block,
Avadi, Chennai-071.

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Respondent(s)

PRAYER

To call for the records relating to the impugned order passed by the 3rd respondent herein in his proceedings procs. Demolition order vide Na.Ka. No.9543/ 2021/F2, under Sections 56 and 57 of Tamil Nadu Town and country Planning Act, 1971. dated 22.01.2025 and quash the same.

For Petitioner(s): Mr. L.K. Charles Alexander

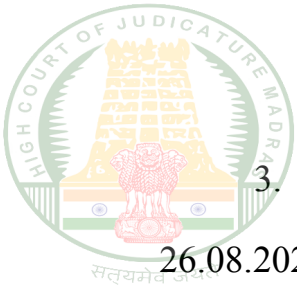
For Respondent(s): Mr.G.Ameedius
Government Advocate For 1
Mr. Akhil Akbar Ali For CMDA For R2
Mr. R.A.Gopinath
Standing Counsel For R3

ORDER

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

The final notice dated 22.01.2025 issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act is under challenge in the present Writ Proceedings.

2. The petitioner was identified as an encroacher, having encroached upon the water body in the suburban to Chennai. Action was initiated long before, and the petitioner earlier filed W.P.No.21781 of 2022.



3. The Division Bench of this Court disposed of the Writ Petition on 26.08.2022, stating that the petitioner preferred a revision before the Government under Section 80A of the Tamil Nadu Town and Country Planning Act, and that the said review may be decided.

4. Learned counsel for the petitioner would submit that the revision petition was rejected by the Government. Consequently, the present impugned notice has been issued for removal of unauthorised construction in the subject land. The Commissioner, Avadi Corporation has issued a notice, since encroachment actions were initiated long before and considering the fact that the petitioner encroached upon the water body and constructed the building. Since the petitioner has exhausted statutory remedy by approaching the Government, and the authorities found that he is an encroacher, who encroached upon the water body and unauthorisedly constructed a building, a notice has been issued to demolish the unauthorised construction.

5. This Court does not find any infirmity. That apart, the building was under lock and seal even at the time of passing the final order in W.P.No.21781 of 2022. Thus, there is no impediment for the authorities to complete the enforcement action in all respects and remove the encroachment and unauthorised construction in the water body.



6. With the above observations, the Writ Petition stands dismissed.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

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

27-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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

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