



WEB COPY

WP.No.10756 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.10756 of 2025

I.Mumtaz Banu,
wife of Mr.Mohammed Iqbal
No.12, Geils Street,
Broadway,
Chennai – 600 001
represented by her Power Agent
Mr.A.Sameeulla,
S/o S.Abdulla
No.37, Corporation Dhobi Khana Ishthri Lane,
Meenakshi Amman Pet,
Royapuram,
Chennai – 600 013.

...Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600 003.
2. The Assistant Engineer, Div 056
Greater Chennai Corporation,
No.61, Basis Bridge Road,
Chennai – 600 012
3. The Assistant Executive Engineer, Unit 13,
Greater Chennai Corporation,
No.61, Basis Bridge Road,
Chennai – 600 012



WP.No.10756 of 202:



WEB COP

4. The Executive Engineer, Zone 05,
Greater Chennai Corporation,
No.61, Basis Bridge Road,
Chennai – 600 012

5. K.M.G. Hasan Abdul Cader
S/o K.M.Ghouse Mohammed
No.107/52, New Street,
Mannady,
Chennai – 600 001

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the respondents 2 to 4 to execute the Lock and Seal Notice in Letter No.05/05622/2024 dated 16.07.2024 and to demolish the illegal construction of the Bag Manufacturing Shed belongs to the petitioner at Door No.107/52, New Street, Muthialpet, Chennai – 600 001

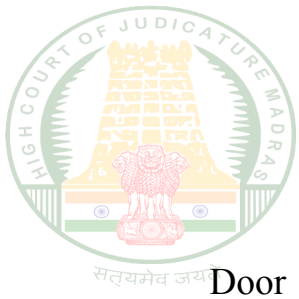
For Petitioner : Mr.S.Kishore

For Respondents : Mr.S.Gopinath,
Standing Counsel for R1 to R4
Mr.A.M.D.Mohamed Salih Hussain
for R5

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed seeking for a direction to the respondents 2 to 4 to execute the Lock and Seal Notice in Letter No.05/05622/2024 dated 16.07.2024 and to demolish the illegal construction of the Bag Manufacturing Shed belongs to the petitioner at Door No.107/52, New Street, Muthialpet, Chennai – 600 001.



WEB COPY

2. The case of the petitioner is that the house property situated at Door No.107/52 New Street, Muthialpet, Chennai – 600 001 belongs to I.Mumtaz Banu and she gave power to one Sameeulla on 19.06.2023. In the terrace of the house, one Kahaja @ K.M.G.Hasan Abdul Cader constructed a shed for his bag manufacturing company, without getting approval plan from the Commissioner Corporation. The petitioner sent a representation dated 05.06.2024 to the concerned authorities stating that there is no planning permission and building approval. Despite receiving the same, the respondents 2 to 4 issued Lock and Seal dated 16.07.2024 and did not execute the notice. Hence, the present writ petition.

3. Heard both sides.

4. The learned Standing Counsel appearing for the Chennai Corporation has filed a counter affidavit. It is stated in the counter that despite notice calling for approval plan, the owners or tenants of the subject property has not appeared before the Greater Chennai Corporation, nor any written submission was made. Therefore, the respondent issued Lock & Seal and Demolition Notice on 16.07.2024 and informed the owner of the subject property to restore the land to its condition within 30 days from the date of receipt of the said notice, failing which, lock & seal the premises and to demolish and to restore the land to its condition without any further notice. Since the owner of the building has not



WP.No.10756 of 202:



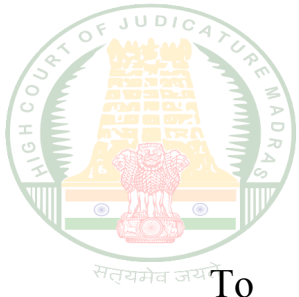
WEB COPY

complied with the above said notice, the De-occupation notice was issued on 08.04.2025 under Section 56 Sub-Section 2(A) & 57 read with section 85 of the Tamil Nadu Town and Country Planning Act, 1971 and asked the owner and the tenants to De-occupy the subject premises within 15 days from the receipt of the said notice.

5. From the counter filed by the respondent, it is seen that the owner of the premises is not able to produce any documents to show that the building has been constructed with the planning permission. Therefore, it has to be construed that there is illegal construction in the subject premises. Though the respondent Corporation has taken enforcement action, it has not reached its logical ends. Therefore, the respondent Corporation is directed to take further enforcement action in accordance with law and take it to its logical end within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

[J.N.B.,J.] [M.J.R.,J.]
24.06.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No



WP.No.10756 of 202:



To
WEB COPY

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600 003.
2. The Assistant Engineer, Div 056
Greater Chennai Corporation,
No.61, Basis Bridge Road,
Chennai – 600 012
3. The Assistant Executive Engineer, Unit 13,
Greater Chennai Corporation,
No.61, Basis Bridge Road,
Chennai – 600 012
4. The Executive Engineer, Zone 05,
Greater Chennai Corporation,
No.61, Basis Bridge Road,
Chennai – 600 012



WEB COPY



WP.No.10756 of 2025:

J.NISHA BANU,J.
AND
M.JOTHIRAMAN,J.

Vsi

WP.No.10756 of 2025

24.06.2025