



WEB COPY

WP.No.8078 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08.07.2025**

CORAM

**THE HONOURABLE MRS JUSTICE N.MALA**

**WP.No.8078 of 2024**

M.Thirupathy,  
S/o.Muthu Gounder,  
No.25/2, Anna Street,  
Venkata Krishna Nagar,  
Arumbakkam, Chennai-600 106.

Petitioner(s)

Vs

1.The Commissioner,  
Corporation of Chennai,  
Ribbon Building, Chennai-600 003.

2.The Zone Commissioner,  
O/o.Commissioner,  
No.33, Arcot Road, Bhuvaneshwari Nagar,  
Valasaravakkam, Chennai-600 087.

3.Bala,  
S/o.Perumal Naicker,

4.Guna,  
S/o.Krishnan,

2<sup>nd</sup> & 3<sup>rd</sup> are residing at No.4/85,  
Poonamallee Road, Sivapootham,  
Karambakkam, Chennai-116.

Respondent(s)



**PRAYER** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1<sup>st</sup> respondent and 2<sup>nd</sup> respondent not permit to put up for construct the building in the public road as well as petitioner's land without obtaining proper plan permission from local body by considering the petitioner's representation dated 24.02.2024 within stipulated period.

For Petitioner: Mr.S.Saravana Kumar

For Respondents: Mr.D.B.R.Prabhu  
Standing Counsel  
for R1 & R2

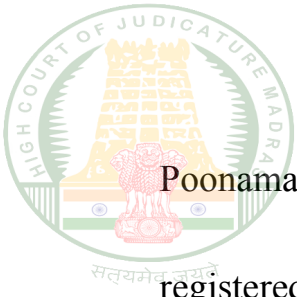
Mr.D.Gopinathan for R3

Mr.Manoharan for R4

**ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent and 2<sup>nd</sup> respondent not permit to put up for construct the building in the public road as well as petitioner's land without obtaining proper plan permission from local body by considering the petitioner's representation dated 24.02.2024.

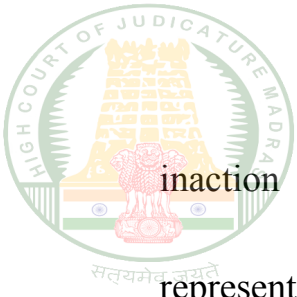
2. The Petitioner is the absolute owner and possessor of a residential house plot measuring 1538 sq.ft., situated at Karambakkam, Sivapootham,



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Poonamallee Main Road, having purchased it from Raja Cholan through a registered sale deed dated 21.10.2020 (Doc.No.7366/2020). The property is also duly reflected in revenue records including patta, chitta, and adangal. The petitioner nominated one Gunasekar as Power Agent to manage the property. However, the third and fourth respondents have illegally encroached upon the petitioner's land and the adjoining public road, and commenced unauthorized construction without obtaining any plan approval from the competent local authority. When objected to by the Power Agent, the respondents allegedly issued threats, prompting a police complaint (CSR.No.28/2023 dated 26.01.2024). A representation was also made by the petitioner to the first respondent on 24.02.2024, but no action has been taken till date.

3. Learned counsel for the petitioner submits that the third and fourth respondents are carrying out illegal construction on both public road and private land belonging to the petitioner without requisite plan approval, thereby violating the development control rules and infringing upon her property rights guaranteed under Article 300-A of the Constitution of India. He submits that the

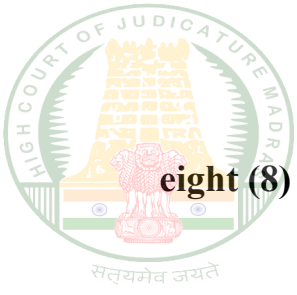


inaction of the municipal authorities despite the petitioner's complaint and representation reflects connivance and dereliction of duty. He submits that as there is no alternative remedy, the petitioner has filed this present case.

4. Learned Standing Counsel appearing for respondents 1 and 2 would submit that the representation of the petitioner dated 24.02.2024 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

5. Heard both sides and perused the materials available on record.

**6. Without going into the merits of the case, the first and second respondents are directed to consider the representation of the petitioner dated 24.02.2024 after conducting a detailed enquiry by giving due notice to the petitioner as well as respondents 3 and 4, affording an opportunity of personal hearing, taking into consideration all the relevant documents submitted by both parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, within a period of**



**eight (8) weeks from the date of receipt of a copy of this order.**

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In the result, the writ petition stands disposed of with the above observations and direction. No costs.

**08.07.2025**

cda/dsn

Index:Yes/No

Speaking/Non-speaking order

To

1.The Commissioner,  
Corporation of Chennai,  
Ribbon Building, Chennai-600 003.

2. The Zonal Commissioner,  
O/o.Commissioner,  
No.33, Arcot Road, Bhuvaneshwari Nagar,  
Valasaravakkam, Chennai-600 087.



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**N.MALA,J.**

cda/dsn

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