



WEB COPY

WP No. 11215 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. 11215 of 2025

and

WMP.No.12653 of 2025

1. J.Amaravathi

W/o.Late Janakiraman,

No.19/22C, Othavadai Street,

Gandhi Nagar, Thiruvottiyur,

Chennai-19.

Petitioner(s)

Vs

1. The District Collector

Tiruvallur District ,

Tiruvallur.

2.The Commissioner

Greater Chennai Corporation,

Rippon Building, Periyamet,

Chennai-03.

3.DRO/ Zonal Officer -1

Zone-1, Greater Chennai Corporation,

945, Thiruvottiyur High Road,



Thiruvottiyur, Chennai-19.

4.The Executive Engineer

Greater Chennai Corporation ,

Zone 01 And Ward 7,

Sathyamoorthy Nagar, Rajakadai,

Thiruvottiyur, Chennai-19.

5.The Assistant Executive Engineer

Greater Chennai Corporation

Zone-01 And Ward 07,

Sathyamoorthy Nagar, Rajakadai,

Thiruvottiyur, Chennai- 19.

6.RAVINDRAN

S/o.Sundarraaj,

Door No.3/2, Kasipuram, B Block,

5th Street, Royapuram, Chennai-013.

Respondent(s)

PRAYER

Calling for records on the file of respondents 3 to 5 in proceedings Z.O.1.C. No.D2/ 1856/ 2024dated 17.03.2025 and quash the same.

For Petitioner(s): R.Chellamuthu

For Respondent(s): Mr.G.Ameedius
Government Advocate For 1
Mr. D.B.R.Prabhu
Standing Counsel For R 2 To 5

ORDER

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

The notice issued by the Greater Chennai Corporation to demolish the



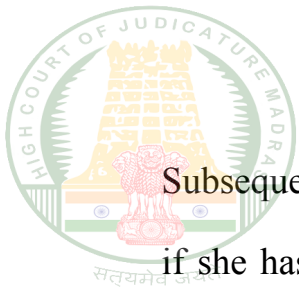
unauthorized structure/building, situated at No.19/22 Othavadai Street, Gandhiji Nagar, Thiruvottiyur, Chennai-600 019, is under challenge in the present Writ Petition. The enforcement actions are continuing for a long time.

2. The learned Standing Counsel for the Corporation would submit that the petitioner has not produced any document to establish that the building was constructed by obtaining building plan permission.

3. The earlier lock and seal notice was issued to the husband of the Writ petitioner, who is no more. On the said ground the Writ petitioner filed W.P.No.22947 of 2023. This Court set aside the said notice dated 29.04.2023 and directed the authorities to remove the lock and seal. Accordingly, the lock and seal was removed.

4. Learned counsel for the petitioner would submit that the initial notice was issued to the deceased husband of the petitioner and therefore, one more opportunity is to be granted to the petitioner, who is the wife. However, the present notice has been issued to the Writ petitioner admittedly in proceedings dated 17.03.2025, which is under challenge in the present Writ Petition.

5. This Court is of the considered opinion that the petitioner received the notice issued in the name of her deceased husband and challenged the same.



Subsequently, the said notice was set aside by this Court. Therefore, it is not as if she has no knowledge about the enforcement action initiated by the Greater Chennai Corporation. Having knowledge about the initiation of enforcement action for removal of encroachment and demolition of unauthorised building, the petitioner ought to have submitted relevant documents to establish her case. Instead of submitting her documents to establish the case, the petitioner is filing petition after petitioner only by raising untenable technical grounds, attempting to protect the unauthorised construction. Such an endeavour of the litigants at no circumstances be encouraged by the Courts. If at all the building plan permission is granted, the said document is to be produced. If it is totally unauthorised, and the authorities have already taken action and an opportunity was granted to the person to produce the document, then there is no need to stop the enforcement action unnecessarily, which will only prolong the implementation of the provision of the Act.

6. In the present case, the petitioner was aware about the enforcement action initiated in respect of the unauthorised construction in the year 2023 itself. She herself filed a Writ Petition, and even after the disposal of the Writ Petition and de-sealing of the property by the authorities, she has not submitted any documents to establish her case. That being so, the present notice issued by the authorities cannot be construed as infirm. Repetition of filing petitions is unnecessary. The rule of natural justice is observed only to ensure that the person concerned is provided an opportunity to defend their case in accordance



with law. The rules of natural justice cannot be abused by filing repeated petitions at each stage, despite the fact that such person has knowledge and challenged the earlier proceedings and got an order in her favour.

7. Even before this Court, the petitioner is unable to produce any building plan approval or document to establish that the building is not unauthorised. Thus, it is apparently clear that the petitioner is attempting to prolong the proceedings in order to escape from the enforcement action. Thus, the petitioner is not entitled for the relief.

8. Thus, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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

27-03-2025

GD

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**S.M.SUBRAMANIAM
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