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W.P.No.12651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

W.P.No.12651 of 2025

and

WMP.No.14238 of 2025

J.Dinesh Kumar

... Petitioner

Vs.

1. The Principal Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
4. The Executive Engineer,



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Greater Chennai Corporation,
Zone 14,
No.6/64, i/c, Zone - XIV,
Puzhuthivakkam Main Road,
Perungudi,
Chennai - 600 091.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorarified mandamus, to quash the order passed by the 1st respondent vide letter no.8639009/UD-VII (1)/2024-1, dated 25.11.2024 and extend the time to comply with the order dated 05.01.2023 in the above mentioned LETTER No.16496/UD-VII (2)/2021-3, dated 05.01.2023 by another 5 months.

For Petitioner : Mr.V.Sundarraman

For Respondents : Mr.E.Veda Bagath singh
Special Government Pleader for R1
: Mr.Akhil Akbar Ali
Standing Counsel for CMDA for R2
: Mr.D.B.R.Prabhu
Standing Counsel for GCC for R3 & R4

ORDER

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

The rejection of petition seeking extension of time for demolition of unauthorised construction is under challenge in the present writ proceedings.

2. Admittedly, the petitioner has put up unauthorised construction



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in violation of the building plan permission granted. The due process under the Town and Country Planning Act was concluded in the year 2023 itself. Locking and Sealing and Demolition Notice was issued on 08.03.2021. Thereafter, the petitioner preferred an appeal before the Government under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 on 30.09.2021. The said appeal was rejected by the Government vide letter dated 05.01.2023 granting three months time to the petitioner to demolish the unauthorised construction and restore the building as per the building plan permission. The Government passed an order based on the undertaking given by the petitioner. Accordingly, the building was desealed for three months enabling the petitioner to carryout the demolition activities. However, the petitioner has not honoured his own commitment in his undertaking before the Government and continued to protect the unauthorised construction till today, even after a lapse of about two years from the date of passing of the order by the Government on 05.01.2023.

3. The petitioner has submitted a representation to the Government on 09.10.2024 seeking extension of time to demolish the unauthorised construction. The said representation was also rejected by the Government vide letter dated 25.11.2024, citing the reason that two years the petitioner has



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not taken any action to demolish the building as per his own undertaking given before the Government. The Authorities were directed to execute the order of the Government and demolish the building.

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4. The learned Counsel for the petitioner would submit that the petitioner was sick during the relevant point of time and therefore, unable to execute the Government order.

5. Such a reason is unacceptable, since the petitioner took two years of time and till date, he has not executed the orders of the Government as per his own undertaking given.

6. That being so, the petitioner is not entitled to seek any lenient approach from the hands of this Court, since the building is unauthorisedly constructed and further he has given undertaking before the Government for demolition of the building.

7. In view of the facts and circumstances, the respondents are directed to proceed with the enforcement action by demolishing the building and conclude the same within a period of eight weeks from the date of receipt



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of a copy of this order.

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Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]
08.04.2025

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Principal Secretary,
Housing and Urban Development Department,
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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4.

The Executive Engineer,
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