



WEB COPY

W.P.Nos.13100, 21190 & 23430 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

W.P.Nos.13100, 21190 & 23430 of 2019
and W.M.P.Nos.13244, 13246 of 2019, 4495, 8115 of 2020, 23206, 23208
& 29672 of 2019

WP.No.13100/2019

Marina Square Flat Owners Association,
Rep. by its President,
No.53, Santhome High Road,
Mylapore, Chennai – 600 004.

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.Corporation of Chennai,
Rep. by its Commissioner,
Ripon Building, Chennai – 600 003.



W.P.Nos.13100, 21190 & 23430 of 2019

4.Tamil Nadu Electricity Board,
Rep. by its Chairman cum Managing Director,
N.P.K.R.R. Maaligai, Electricity Avenue,
New No.144, Anna Salai,
Chennai – 600 002.

5.Tamil Nadu Water Supply and Drainage Board,
Rep. by its Managing Director,
31, Kamarajar Salai,
Chepauk,
Chennai – 600 005.

6.M/s.Ferdous Estate Pvt. Ltd.,
Marina Square A-Block,
5th Floor, No.26-27, Santhome High Road,
Mylapore, Chennai – 600 004.

7.Chennai Metropolitan Water Supply & Sewerage Board,
Rep. by its Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 031.

... Respondents

[R7 is impleaded vide order made in WMP.No.24016 of 2019 by CJ & MDJ on 04.09.2019]

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to de-occupy and demolish unauthorised 4th, 5th & 6th floor (Part) and remove the commercial enclosures put up by builders (6th respondent) in the stores area in Marina Square Flats, Door Nos.51-53, Santhome High Road, Mylapore, Chennai – 600 004.

For Petitioner : Mr.Mohan,
Senior Counsel
for Ms.K.Sumathi



WEB COPY



W.P.Nos.13100, 21190 & 23430 of 2019

- For R1 : Mr.K.Suresh,
Government Advocate
- For R2 : Mr.P.Kumaresan,
Additional Advocate General,
assisted by Ms.P.Veena Suresh
- For R3 : Mr.D.B.R.Prabhu,
Standing Counsel
- For R4 : Mr.P.R.Dhilip Kumar
- For R5 : Mr.M.Pradeep Shankar,
TWAD Board
- For R6 : Mr.R.Arokia Velankanni Stalin
- For R7 : Mr.Jerry V.V.Sundar

WP.No.21190/2019

M/s.Ferdous Estate Pvt. Ltd.,
Rep. by its Director,
M H Ferdous Begum,
Marina Square 'A' Block,
5th Floor, No.26-27, Santhome High Road,
Mylapore, Chennai – 600 004.

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Department,
Fort St.George,
Chennai – 600 009.



W.P.Nos.13100, 21190 & 23430 of 2019

2.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
1, Gandhi Irwin Road,
Egmore, Chennai.

3.Marina Square Flat Owners Association,
Rep. by its President,
Mr.S.Dinahar,
53, Santhome High Road,
Mylapore, Chennai – 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider and dispose the petitioner's representations dated 02.11.2018 and 21.06.2019 in accordance with law within the time limit to be stipulated by this Court.

For Petitioner	: Mr.R.Arokia Velankanni Stalin
For R1	: Mr.K.Suresh, Government Advocate
For R2	: Mr.P.Kumaresan, Additional Advocate General, assisted by Ms.P.Veena Suresh
For R3	: Mr.Mohan, Senior Counsel for Ms.K.Sumathi

WP.No.23430/2019

M/s.Ferdous Estate Pvt. Ltd.,
Rep. by its Director,
M H Ferdous Begum,
Marina Square 'A' Block,



W.P.Nos.13100, 21190 & 23430 of 2019

5th Floor, No.26-27, Santhome High Road,
Mylapore, Chennai – 600 004.

... Petitioner

Vs.

Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
1, Gandhi Irwin Road,
Egmore, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbear the respondent from taking any coercive action till the disposal of regularisation application dated 21.06.2019 given by the petitioner based on new notification No.36 dated 18.01.2019 published in Gazette of India, in respect of petitioner's property situated at Door No.26/27 Santhome High Road, Mylapore, Chennai – 600 004.

For Petitioner : Mr.R.Arokia Velankanni Stalin

For Respondent : Mr.P.Kumaresan,
Additional Advocate General,
assisted by Ms.P.Veena Suresh

COMMON ORDER

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

The grievance of the petitioner Association in WP.No.13100 of 2019 is that though action has been taken by the second respondent CMDA and



W.P.Nos.13100, 21190 & 23430 of 2019

they have locked and sealed the unauthorized construction in 4th, 5th and 6th floors, as well as the part of the basement, action has not been taken for reoccupying the tenants and further demolition of the unauthorized construction.

2. The learned Additional Advocate General appearing for the second respondent CMDA would submit that unless and until all the occupants in the ground floor + 3 floors vacate the premises and handover the vacant possession, CMDA will not be in a position to demolish the unauthorized portion.

3. To such a submission, the learned Senior Counsel appearing for the petitioner would submit that some of the residents need time to vacate the premises for various reasons, including the continuing education of their children.

4. The learned counsel appearing for the sixth respondent/developer also submitted that he is willing to vacate the premise, if time is granted till the month of June, 2026.



W.P.Nos.13100, 21190 & 23430 of 2019

WEB COPY

5. The learned Senior Counsel appearing for the petitioner had also agreed that all the occupants will vacate the premises by the end of June, 2026.

6. The learned Additional Advocate General, on instructions, submitted that, as and when the vacant possession of the property will be handed over, CMDA would complete the demolition process within a period of three months therefrom.

7. The submissions of the learned Senior Counsel for the petitioner, learned Additional Advocate General appearing for the second respondent, as well as the learned counsel appearing for the sixth respondent, are hereby recorded.

8. Accordingly, all the occupants of the Marina Square are called upon to vacate their respective flats/apartments on or before **30.06.2026** and thereafter, the second respondent herein/CMDA shall carry out the demolition operations and complete the same within a period of three (3) months from the date on which the vacant possession of the building is handed over to them. The second respondent CMDA is also at liberty to



W.P.Nos.13100, 21190 & 23430 of 2019

recover the cost of the demolition process from the sixth respondent herein, in accordance with the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

9. With the above directions, WP.No.13100 of 2019, stands disposed of. No costs. Connected miscellaneous petitions are closed.

10. Insofar as W.P.Nos.21190 & 23430 of 2019 are concerned, for the unauthorised construction put up by the petitioner herein in the building at Survey Nos.2424, 2425/1, located at Santhome High Road, Mylapore, Chennai – 600 004, the petitioner had made an application to CMDA, seeking for regularisation of unauthorised construction. His application came to be dismissed on 13.03.2015. Thereafter, he had preferred an appeal on 10.04.2015, which also was rejected on 29.06.2017. It appears that the petitioner herein had also given representations on 02.11.2018 and 21.06.2019 and in these Writ Petitions, he seeks for a direction to the respondent to dispose of these representations, within a time limit, as well as forbearing the respondent from taking any coercive action pending the disposal of the regularisation application.



W.P.Nos.13100, 21190 & 23430 of 2019

WEB COPY

11. When the original application seeking for regularisation of the unauthorised portions of the building has already been rejected and confirmed in appeal, there is no provision under the Tamil Nadu Town and Country Planning Act, 1971, to make a subsequent application seeking for regularisation.

12. As a matter of fact, when the petitioner's regularisation application came to be rejected by the Appellate Authority, he has challenged the same before this Court in W.P.No.11141 of 2018, which was dismissed on 08.10.2018. The subsequent challenge before the Hon'ble Supreme Court in SLP.No.27825 of 2018 was also withdrawn by him on 12.10.2018.

13. As such, the order of the Original Authority, rejecting the petitioner's claim for regularisation, has become final. While that being so, it would not be permissible for the petitioner herein to subsequently make representations, in the absence of any provision seeking for regularisation.



W.P.Nos.13100, 21190 & 23430 of 2019

WEB COPY

14. In the above circumstances, the prayer sought for in W.P.Nos.21190 & 23430 of 2019, cannot be entertained and accordingly, both the Writ Petitions stand dismissed. No costs. Connected miscellaneous petitions are closed.

[M.S.R, J.]

[R.S.V, J.]

21.11.2025

Index: Yes

Speaking order

Neutral Citation: Yes

Sni

To

1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai – 600 003.



W.P.Nos.13100, 21190 & 23430 of 2019

4.The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
N.P.K.R.R. Maaligai, Electricity Avenue,
New No.144, Anna Salai,
Chennai – 600 002.

5.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chepauk,
Chennai – 600 005.

6.M/s.Ferdous Estate Pvt. Ltd.,
Marina Square A-Block,
5th Floor, No.26-27, Santhome High Road,
Mylapore, Chennai – 600 004.

7.The Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 031.

8.Mr.S.Dinahar, President,
Marina Square Flat Owners Association,
53, Santhome High Road,
Mylapore, Chennai – 600 004.



WEB COPY



W.P.Nos.13100, 21190 & 23430 of 2019

M.S.RAMESH, J.
and
R. SAKTHIVEL, J.

Sni

W.P.Nos.13100, 21190 & 23430 of 2019

21.11.2025