



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

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THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P No. 11490 of 2025 and

WMP No.12974 of 2025

A.Ravi Raj

... Petitioner

Vs.

1. The Commissioner, Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.
2. The Executive Engineer, Zone No.5, Ward No.58,
Greater Chennai Corporation,
Choolai, Chennai 600 112.
3. The Assistant Executive Engineer,
Zone No.5, Ward No.58, Greater Chennai Corporation,
Choolai, Chennai 600 112.
4. The Assistant Engineer,
Zone No.5, Ward No.58, Greater Chennai Corporation,
Choolai, Chennai 600 112.
5. The Executive Officer,
A/m Srinivasa Perumal Temple,
No.18, Vathiyar Kandapillai Street,
Choolai, Chennai 600 112.

... Respondents



PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to take all appropriate and necessary action against the illegal and unauthorised superstructure at No.5, 6 Maddox Street (Vathiyar Kandapillai Street), Choolai, Chennai 600 112, considering the representation of the petitioner, dated 24.03.2025, within a time frame as may be fixed by this court.

For Petitioner(s): Mr.W.M.Abdul Majeed

For Respondent(s): Mr. S.Gopinathan
for R1 to R4

No appearance for R5.

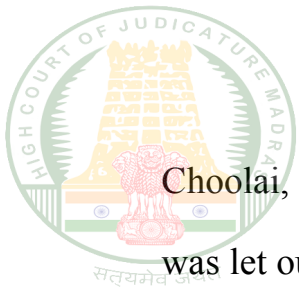
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ORDER

(Order of the Court was made by *J.NISHA BANU, J.*)

This Writ Petition is filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to take all appropriate and necessary action against the illegal and unauthorised superstructure at No.5, 6 Maddox Street (Vathiyar Kandapillai Street), Choolai, Chennai 600 112, considering the representation of the petitioner, dated 24.03.2025, within a time frame as may be fixed by this court.

2. It is the case of the petitioner that the property measuring to an extent of 1076 sq.ft. in door No.5, 6 Maddox Street (Vathiyar Kandapillai Street),



Choolai, Chennai -112 is part and parcel of the 5th respondent temple, which was let out to some third parties and a superstructure came to be put up by those persons, without any sanctioned plan and approval. According to the petitioner, since the superstructure is an incomplete structure and has become dilapidated condition, which is causing nuisance and endangering the lives of public, the worshippers of the temple requested the Executive Officer of the temple to pull down the superstructure. However, without considering the above request, the 5th respondent and other HR & CE officials are trying to bring the property for auction sale and an auction notice dated 24.03.2025 was also issued. The petitioner gave a representation on 24.03.2025 itself to the respondents for taking action against such illegal, unauthorized superstructure, however, no action has been taken. Hence the writ petition.

3. Today, the learned Standing Counsel appearing for the respondents 1 to 4 filed a status report stating that the official of the Greater Chennai Corporation have inspected the subject premises on 09.04.2025 and found that the structure is in dilapidated condition and it is unfit for access, since, various damages are visible in the structure. It is further stated that notice under Section 136 of the Tamil Nadu Urban Local Bodies Act were issued on 25.04.2025 to the owner/tenants. The relevant portion of the status report is extracted here under.



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6. I submit that due to the reasons aforesaid, after approval of the first respondent, notice under Section 136 of the Tamil Nadu Urban Local Bodies Act, 1998 were issued in No.Z.O.V.C.No.3611/2025, dated 25.04.2025 to the owner/tenants in the subject building and the brief of the notice as follows;

The Structure at the premises at No.5 & 6, Maddox Street, Choolai, Chennai 600 112 is deemed by the undersigned to be in ruinous state/dangerous to passersby/ to the occupiers of the neighbouring structure. Therefore you the owner/occupier is required to fence off, take down, secure or repair the above mentioned structure so as to prevent any danger there from within a period of 15 days from the date of receipt of this notice, failing which the undersigned himself will fence off, take down, secure or repair such (structure) or fence off a part of any street or take such a temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in under section 136 of Tamil Nadu Local Bodies Act of 1998.

7. The respondent has issued notice under Section 136 of the ULB Act according to the due process of law and thorough inspection of the premises. Since the said structure comes under the purview of HR & CE department, the respondents intimated the above for further necessary action from their side also.



4. In view of the submission made by the learned counsel for the petitioner and the Standing Counsel and also the status report filed by the respondents 1 to 4, as stated supra, the 5th respondent is directed to intimate the authorities concerned/HR & CE Department about the said status report and thereafter the authorities concerned shall take action with regard to the above said superstructure, in the manner known to law, within a period of 12 weeks from the date of receipt of copy of the order.

5. With the above observations and directions, this writ petition is disposed of. Connected miscellaneous petition is closed. There shall be no order as to costs.

(J.N.B.J.)

(M.J.R.J.)

25.06.2025

mst

To

1. The Commissioner, Greater Chennai Corporation,
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2. The Executive Engineer, Zone No.5, Ward No.58,
Greater Chennai Corporation,
Choolai, Chennai 600 112.
3. The Assistant Executive Engineer,
Zone No.5, Ward No.58, Greater Chennai Corporation,
Choolai, Chennai 600 112.



4. The Assistant Engineer,

Zone No.5, Ward No.58, Greater Chennai Corporation,
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5. The Executive Officer,

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