



WEB COPY

WP No. 12408 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 12408 of 2024

and

WMP.No.13537 of 2024

1. N.Gopinathan
S/o.Late.T.Natarajan, No.44/55/1,
Beemanna 2nd Street, Alwarpet,
Chennai-600 018.

Petitioner(s)

Vs

1. The Additional Secretary (technical)
Housing And Urban Development Department, Fort St.
George, Secretary, Chennai-600 009.

2.The Additional Chief Secretary / Commissioner,
Greater Chennai Corporation Rippon Building,
Chennai-600 003.

3.The Executive Engineer
Zone-9, Chennai Corporation, No.1, Lake Area,
4th Cross Street, Nungambakkam, Chennai-600 034.

Respondent(s)



PRAYER

Calling for the records of the first respondent issued under Letter No.3691510/
UD VI (3) 2022-6 dated 12.02.2024 and quash the same respectively.

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For Petitioner(s): Mr.S.Sridhar

For Respondent(s): Mr. E.Veda Bagath Singh
Special Government Pleader For R1
Mr. D.B.R. Prabhu
Standing Counsel For GCC For R2 & 3

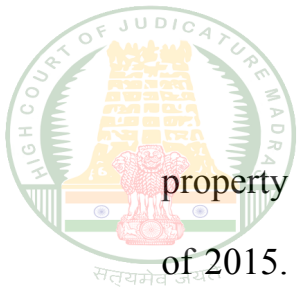
ORDER

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

The Writ Petition on hand has been instituted challenging the order passed by the Government in Letter dated 12.02.2024 under Section 80(A) of the Tamil Nadu Town and Country Planning Act.

2. Initially, the Greater Chennai Corporation issued a lock and seal notice on 26.12.2012, based on a complaint given by a person residing in the nearby location. The initial notice was issued to the father of the writ petitioner, Mr. T. Natarajan. He filed W.P.No.2213 of 2013, and this Court passed an order setting aside the lock and seal notice dated 26.12.2012, and passed an order that quashing of the notice will not preclude the respondents, if they want to consider the matter in accordance with law.

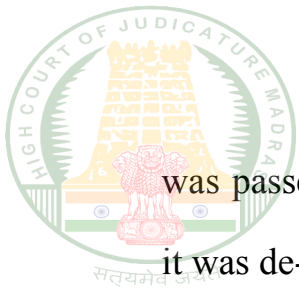
3. The mother of the petitioner, Mrs.Kanniyammal filed a Revision Petition on 12.06.2016 against the lock and seal of 2nd floor in the subject



property on 24.08.2016. She also filed a separate Writ Petition in W.P.No.10890 of 2015. In the said Writ petition, the High Court passed an order directing the authorities to examine afresh the case of the petitioner by verifying the documents, if any produced and pass a fresh order within a period of two weeks. The Government provided an opportunity of hearing to the parties and rejected the Revision Petition filed by the mother of the petitioner Mrs.Kanniyammal vide Letter dated 13.07.2016, as the building has been constructed in total violation of the development regulations without following any planning parameters. Even the approach road from Beemanna Garden, 2nd street to the said building consist of Ground +2 floors having 6 dwelling units does not satisfy the required norms as it is only 0.9m in width.

4. The Greater Chennai Corporation issued a de-occupation notice dated 12.08.2022 and subsequently locked and sealed the Ground Floor and First Floor on 02.12.2022. The petitioner, Mr.N.Gopinathan submitted a representation to Government to de-seal the said building on the ground that his daughter was studying 10th standard. The Government directed the Greater Chennai Corporation to de-seal the building for 10 days to allow the petitioner to retrieve his belongings, vide Letter No. 3691510/UD6-3/2022, dated 08.12.2022.

5. The petitioner filed a Writ Petition in W.P.No.34727 of 2022, challenging the de-occupation notice dated 12.08.2022, and an interim order



was passed on 23.12.2022, directing the building to be de-sealed. Accordingly, it was de-sealed.

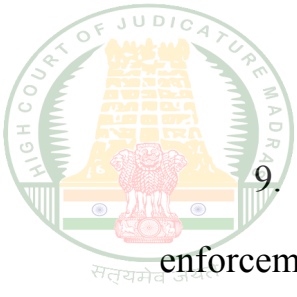
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6. The Government, after affording an opportunity to the petitioner, rejected his request on the ground that the subject building did not qualify for planning permission. Subsequently, the Writ Petition filed by the petitioner in W.P.No.34727 of 2022 was disposed of, with a direction to the petitioner to file a revision petition challenging the notice dated 12.08.2022, and on receipt of the same, a direction was issued to dispose of the Revision Petition. Pursuant to the above direction, the petitioner filed a Revision Petition to the Government on 01.02.2023. The Government elaborately considered the facts and circumstances in entirety and rejected the Revision Petition filed by the petitioner under Section 80A of the Town and Country Planning Act, vide proceeding dated 12.02.2024. While rejecting the Revision Petition, the Government has made a finding that the existing building violates minimum required road width as per Tamil Nadu Combined Development and Building Rules, 2019 and the existing Ground Floor + 2 Floors building is unauthorised put up without any set back spaces. There is no fresh grounds to consider in the present revision petition. Accordingly, the Government issued direction to the Greater Chennai Corporation to pursue necessary enforcement action as per the provisions in Tamil Nadu Town and Country Planning Act, 1971.



7. The entire facts as narrated above indicate that the petitioner made all efforts to prolong and protract the proceedings at each stage and was finally unsuccessful, even before the Government, in a Review Petition filed under Section 80A of the Town and Country Planning Act. It is not in dispute that the petitioner's father committed large-scale building violations by constructing an unauthorized building. The enforcement actions have been prolonged due to the filing of multiple writ petitions at each stage and revision petitions before the Government repeatedly. Such a practice of multiplicity of proceeding by the litigant to escape from the clutches of enforcement action at no circumstances be encouraged by this Court. Once a writ petition has been filed, the issues are to be decided on merits. Once unauthorized constructions are identified and notices are issued, an opportunity as provided under the Act is to be granted, and multiple revision petitions or writ petitions cannot be encouraged, either by the authority or by the High Court.

8. In the present case, sufficient time has been granted by both the Government and this Court. In respect of the earlier Writ Petition, this Court directed the authorities to reconsider the matter. The entire issue relating to the unauthorized construction was reconsidered by the Government, and an elaborate order considering the merits was passed. Therefore, the petitioner has not made out any acceptable ground for the purpose of interfering with the impugned order, which is under challenge in the Writ Petition.



9. Consequently, the respondents 2 and 3 are directed to conclude the enforcement action within a period of twelve weeks from the date of receipt of a copy of this order.

10. Accordingly, the Writ Petition is dismissed. No costs.
Consequently, the connected Miscellaneous Petition is closed.

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

19-03-2025

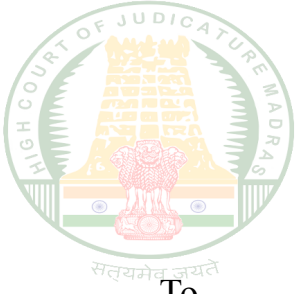
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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Housing And Urban Development
Department, Fort St. George, Secretary,
Chennai-600 009.

2.The Additional Chief Secretary /
Commissioner,
Greater Chennai Corporation Rippon
Building, Chennai-600 003.

3.The Executive Engineer
Zone-9, Chennai Corporation, No.1,
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