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WP.No.12924 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

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

W.P.No.12924 of 2024

and

WMP.No.14088 of 2024

C.Swaminathan

... Petitioner

Vs.

1. State of Tamil Nadu
represented by its
Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. Chennai Metropolitan Development Authority,
represented by its Member Secretary,
Chief Executive Officer,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. Greater Chennai Corporation,
represented by its Commissioner,
Rippon Building, Chennai - 600 003.
4. The Executive Engineer,
Zone - IX, Greater Chennai Corporation,
No.4, Lake area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.
5. The Assistant Executive Engineer,



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WP.No.12924 of 2010



Zone - IX, Unit 26,
Greater Chennai Corporation,
No.4, Lake Area 4th Cross Street,
Nungambakkam, Chennai - 600 034.

6. K.Ramanujam ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, directing the respondents 1 to 5 herein to take immediate action against the 6th respondent as per the orders passed in W.P.No.11201 dated 10.02.2010 and W.P.No.13053 of 2010 dated 03.08.2010 for committing the Building Plan violations in the premises viz., R.C. Towers, bearing Door No.82/27, Josier Street, Nungambakkam, Chennai - 34 and adjoining Building at Door No.143, Kodambakkam High Road, Nungambakkam, Chennai - 34 within the time fixed by this Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mrs.E.Ranganayaki
Additional Government Pleader for R1

: Mr.R.Sivakumar
Standing Counsel for CMDA for R2

: Mr.D.B.R.Prabhu
Standing Counsel for GCC for R3 to R5

: Mr.P.J.Rishikesh for R6

ORDER



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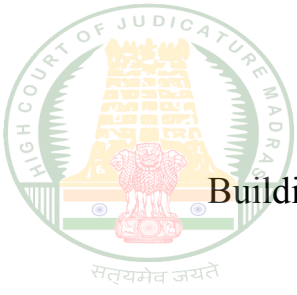
(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

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The writ of mandamus has been instituted to direct the respondents 1 to 5 herein to take immediate action against the 6th respondent as per the orders passed in W.P.No.11201 of 2010 dated 10.02.2010 and W.P.No.13053 of 2010 dated 03.08.2010 for committing the Building Plan violations in the premises viz., R.C. Towers, bearing Door No.82/27, Josier Street, Nungambakkam, Chennai - 34 and adjoining Building at Door No.143, Kodambakkam High Road, Nungambakkam, Chennai - 34.

2. The petitioner seeks a direction to take enforcement action as per the earlier orders passed by this Court.

3. It is brought to the notice of this Court that an application seeking regularisation of unauthorised construction is submitted. Pendency of an application is not a bar for initiating enforcement action under the provisions of the Town and Country Planning Act. Regularisation cannot be granted in a routine manner. Regularisation of unauthorised construction is an exception and the power is to be exercised discreetly only in deserving cases. The power of grant of exception cannot be exercised in a routine manner, so as to defeat the objectives of the Town and Country Planning Act and grant of



Building Plan Approvals.

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4. Therefore, there is no impediment for completing the enforcement action by following the procedures as contemplated.

5. Mr.D.B.R. Prabhu, the learned Standing Counsel appearing on behalf of the Greater Chennai Corporation would furnish the copy of FORM-VII, Lock and Seal order dated 08.01.2025.

6. It is for the aggrieved person to prefer a revision, if he prefers to do so. As far as the Official respondents are concerned, they shall continue the enforcement action by following the procedures as contemplated. The enforcement actions are directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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Accordingly, the Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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[S.M.S,J.] [K.R.S,J.]
29.04.2025

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. Chennai Metropolitan Development Authority,
represented by its Member Secretary,
Chief Executive Officer,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
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S.M.SUBRAMANIAM,J.



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AND
K.RAJASEKAR,J.

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W.P.No.12924 of 2024

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