



W.P.No.14222 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

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CORAM :

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**Writ Petition No.14222 of 2025**  
**and W.M.P.No.15995 of 2025**

Prabhat Kamal Gupta

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. by its Principal Secretary,  
Health and Family Welfare Development,  
Secretariat, Fort St.George,  
Chennai – 600 009.

2.The Commissioner,  
Greater Chennai Corporation,  
Rippon Building,  
Chennai – 600 003.

3.The Executive Engineer,  
Zone 13, Greater Chennai Corporation,  
No.115, Dr.Muthulakshmi Salai,  
Adyar, Chennai – 600 020.

4.Shobana Chandrakumar.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents not to permit the fourth respondent to run a restaurant at New No.5, Old No.77, Gulmohar Avenue, Guindy, Chennai – 600 032 and

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T.S.No.10 of Block No.15 or change its user from a residential building to any other use.

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For Petitioner : Mr.A.R.Karunakaran

For Respondent 1 : Mr.K.Tippusulthan,  
Government Advocate

For Respondents 2 & 3 : M/s.P.T.Ramadevi,  
Standing Counsel

### **ORDER**

The petitioner has filed this petition to direct the 2<sup>nd</sup> and 3<sup>rd</sup> respondents not to permit the fourth respondent to run a restaurant at New No.5, Old No.77, Gulmohar Avenue, Guindy, Chennai – 600 032 and T.S.No.10 of Block No.15 or change its user from a residential building to any other use.

2. The case of the petitioner is that he is a senior resident of Gulmohar Avenue, Guindy, Chennai, has filed this writ petition to address the unlawful conversion of a residential property located at New No.5, Old No.77, Gulmohar Avenue, Guindy, Chennai - 600 032 by the fourth respondent into an 80-seater restaurant with a bakery. The Avenue is a peaceful residential locality inhabited largely by elderly residents and ill- equipped to handle the



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increased traffic, noise, and disturbance caused by such commercial activity.

Despite the petitioner's representation dated 25.03.2025, the concerned authorities have failed to take action. The construction is allegedly being carried out without obtaining prior permission or change of land use approval from the relevant authorities, in violation of the Tamil Nadu Urban Local Bodies Act, 1998 and the Tamil Nadu Combined Development and Building Rules, 2019. Hence, this writ petition.

3. Though many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the second respondent to consider the representation of the petitioner dated 25.03.2025, within a time frame to be fixed by this Court.

4. Learned standing counsel appearing for the respondents 2 & 3 has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. Considering the limited relief sought for by the learned counsel for the petitioner, this Court without going into the merits of the case directs the second respondent to consider the petitioner's representation dated 25.03.2025, after giving due notice to the petitioner as well as fourth respondent, affording an opportunity of personal hearing and considering the documents submitted by both the parties on merits, in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7. The second respondent is directed not to initiate any proceeding in regard to the issuance of license for running restaurant/bakery as well as granting of permission regarding the proposed construction to be put up by the fourth respondent, till the disposal of petitioner's representation.

8. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is also closed.

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Speaking Order : Yes/No  
Neutral Citation : Yes/No

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To:

- 1.The Principal Secretary,  
Health and Family Welfare Development,  
Secretariat, Fort St.George,  
Chennai – 600 009.
- 2.The Commissioner,  
Greater Chennai Corporation,  
Rippon Building,  
Chennai – 600 003.
- 3.The Executive Engineer,  
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**J.SATHYA NARAYANA PRASAD,J.**

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