



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

WP No. 17971 of 2025

1. K.M.Thilagam
W/o.Late Mr.Kannan, No. 8/10,
Poonjola
Street,Kumanachavadi,Chennai -56.

Petitioner(s)

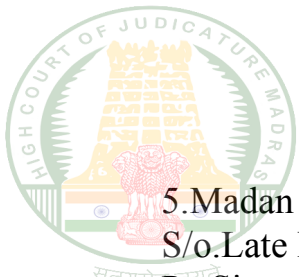
Vs

1. The Commissioner
Greater Chennai Corporation, Rippon
Buildings,Chennai -600 003.

2.The Assistant Engineer,
Zone 10, Division No. 131, Greater
Chennai Corporation, N.S.K.Salai
Kodambakka, Chennai -600 024.

3.Santha,
W/o.Late Mr.Gowtham, No. 19/4, Ma
Po Sivagnanam Street, M.G.R.Nagar,
Chennai -78.

4.Aswin Kumar,
S/o.Late Mr.Gowtham, No. 19/4, Ma
Po Sivagnanam Street, M.G.R.Nagar,
Chennai -78.



5.Madan Kumar,
S/o.Late Mr.Gowtham, No. 19/4, Ma
Po Sivagnanam Street, M.G.R.Nagar,
Chennai -78.

6.Kousalya,
D/o.Late Mr.Gowtham, No. 19/4, Ma
Po Sivagnanam Street, M.G.R.Nagar,
Chennai -78.

7.Kumar,
Old No. 23, Plot No. 934, Vellalar
Street, Arignar Anna Main Road,
M.G.R.Nagar, Chennai -78.

8.Boopathi,
Old No. 23, Plot No. 934, Vellalar
Street, Arignar Anna Main Road,
M.G.R.Nagar, Chennai -78.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a issuance of a Writ of Mandamus directing the Respondents 1 and 2 to take further action in respect of the illegal constructions put up by the Respondent 3 to 8, at door no. 23, plot No. 934, Vellalar Street, Arignar Anna Main Road, M.G.R. Nagar, Chennai 78, comprised in T.S.No. 121 in Block No. 111, Mambalam Taluk measuring 2044 Sq.ft(i.e 190 Sq.mtrs) in furtherance of their lock and seal demolition notice Zone-10/TP Enforcement 10003/2016 Dt. 13/10/2016 under the relevant provisions of Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.N.Chandrasekar

For Respondent(s): Mr. A. Arunbabu
Standing Counsel For R1 and 2

M/s. V. Balaji For R3 To R6

**ORDER****(Order of the Court was made by J.Nisha Banu J.)**

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This Writ Petition is filed for a Mandamus directing Respondents 1 and 2 to take further action in respect of the illegal constructions put up by the Respondent 3 to 8, at door no. 23, plot No. 934, Vellalar Street, Arignar Anna Main Road, M.G.R. Nagar, Chennai 78, comprised in T.S.No. 121 in Block No. 111, Mambalam Taluk measuring 2044 Sq.ft(i.e 190 Sq.mtrs) in furtherance of their lock and seal demolition notice Zone-10/TP Enforcement 10003/2016 Dt. 13/10/2016 under the relevant provisions of Tamil Nadu Town and Country Planning Act.

2. It is the case of the petitioner that originally, the subject property was allotted to her father Jeevarathinam @ S.J.Rathinam by the Slum Clearance Board. Upon his demise, the petitioner inherited the property, being the sole heir/daughter of her father. The petitioner's father, during his life time, allowed one Robert to take care of the said property. However, Robert subsequently permitted one Gowtham (since deceased) to make illegal constructions on a portion of the property, measuring to an extent of 1000 sq.ft.. He also allowed the respondents 7 and 8 to occupy another portion of the property measuring about 1000 sq.ft. Hence the petitioner filed O.S.No.5145 of 2003 before the VI Assistant City Civil Court, Chennai seeking permanent injunction and other

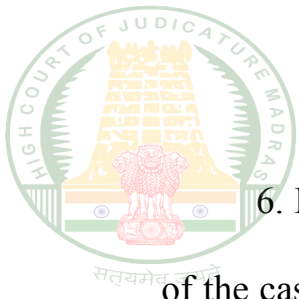


reliefs against the said Gowtham and Robert and the same is pending. Since the said Gowtham died, his legal heirs/ respondents 3 to 6 are contesting the said suit. In the meantime, the first respondent having noticed the illegal construction made in the said plot No.934, had issued lock and seal and demolition notice dated 13.10.2016 to the occupants, calling upon them to remove the unauthorised constructions, within 30 days. Thereafter, the respondents 3 to 8 have not taken further enforcement action to remove the unauthorised construction. Hence the writ petition.

3. The learned counsel for the respondents 3 to 6 would submit that with regard to the subject property, civil suit is pending before the civil Court. Hence, he seeks time to file counter.

4. Heard the learned counsel for the parties and perused the materials on record.

5. The learned counsel for the respondents 3 to 6 though objected that since civil suit is pending, enforcement action cannot be taken, mere pendency of the civil suits will not entitle them to make unauthorised constructions.



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6. Be that as it may, this court, without expressing anything on the merits of the case, directs the first respondent to take enforcement action, if necessary, in accordance with law, after issuing notice to the petitioner as well as the private respondents and also affording them an opportunity of personal hearing. Such exercise shall be done by the respondents within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

(J.NISHA BANU J.)

(M.JOTHIRAMAN J.)

14-07-2025

Mst

Index:Yes/No

Internet:Yes

Neutral Citation:Yes/No

To

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W.P.No.17971 of 2



**J.NISHA BANU, J.,
AND
M.JOTHIRAMAN, J.**

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W.P.No.17191 of 2025

14.07.2025