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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.14758 of 2025

M/S AXIS BANK LIMITED
REPRESENTED BY ITS BRANCH HEAD
AND POWER OF ATTORNEY HOLDER
MRS RANJHANI B
FIRST AND SECOND FLOOR
PLOT NO.2/8, 1ST CROSS STREET
LAMBERT NAGAR
VIRUGAMBAKKAM
CHENNAI 600 092 .. PETITIONER

Vs

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY TO GOVERNMENT
HOUSING AND URBAN
DEVELOPMENT DEPARTMENT
CHENNAI 600 009.

2 THE DISTRICT REVENUE OFFICER/
ZONAL OFFICER, ZONE - 10
GREATER CHENNAI CORPORATION
DOOR NO.1171, N.S.K. SALAI
KODAMBAKKAM
CHENNAI 600 024.

3 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
THALAMUTHU NATARAJAN BUILDING
NO.1, GANDHI IRWIN RAOD
EGMORE, CHENNAI 600 008.

4 MRS.SUSAN JOHN

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5 MR.P.K.JOHN
6 MS.RACHEL ANISHA JOHN
7 MR.ABISHEK DAVID JOHN .. RESPONDENTS

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondent No.2 herein culminating in the Impugned Notice dated 15.04.2025 bearing reference number Z.O.10.C.No.1052/2025 and to quash the same and consequently direct the respondents 1 to 3 not to interfere or block free ingress and egress in any manner with the petitioner's peaceful possession of the tenanted portion situated at Plot No.2/8, First and Second Floor, 1st Cross Street, Lambert Nagar, Virugambakkam, Chennai 600 092 except in accordance with law.

For Petitioner :: Mr.Om Prakash
Senior Counsel for
Mr.V.V.Sivakumar

For Respondents :: Mr.E.Veda Bagath Singh
Special Government Pleader for R1
Mr.A.Arun Babu
Standing Counsel for R2
Mr.Akhil Akbar Ali
Standing Counsel for R3

ORDER

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

The writ petitioner-M/s Axis Bank Limited is challenging the order passed by the District Revenue Officer/Zonal Officer, Zone-10, Greater Chennai Corporation in notice dated 15.04.2025, communicating the copy of

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the order passed by this Court in W.P.No.11704 of 2025 dated 03.04.2025.

2. Admittedly, the petitioner Bank is a tenant in the subject building. It is a private bank. Enforcement action was initiated against the owner of the building under the provisions of the Town and Country Planning Act for demolition of the unauthorized constructions. The Corporation authorities found that the bank is also in occupation of unauthorized building and intimation was given to them. The complainant filed W.P.No.11704 of 2025 and this Court issued directions. Pertinently, in the present case, the bank functioning in the building was granted one year time to shift the place of business, since notice was issued to the bank in the year 2023 itself. However, the bank officials were insensitive and not initiated any action to shift the bank. Thus the Corporation authorities proceeded with the enforcement action to evict the occupants from the unauthorized building.

3. The learned Senior Counsel Mr.Om Prakash appearing on behalf of the writ petitioner would initially submit that the bank was unaware of the unauthorized constructions and therefore some more time is to be granted for

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the purpose of shifting the bank. The petitioner is a private bank and in the event of not granting time, the customers will be prejudiced.

4. The learned standing counsel Mr.A.Arun Babu appearing on behalf of the Greater Chennai Corporation would strenuously oppose by stating that prior intimation was provided to the petitioner bank. He produced a copy of the notice dated 27.01.2023 calling for the approved plan, which was served to the owner/occupier. Thereafter, de-occupation notice was issued in Form No.II under Sections 56 & 57 read with Section 85 of the Town and Country Planning Act in proceeding dated 20.03.2023. The said de-occupation notice was communicated to the General Manager of Axis Bank. Thereafter, the Executive Engineer, Zone-10, Greater Chennai Corporation issued a notice to the owner of the premises on 03.02.2024 stating that enforcement actions would be continued and the building would be locked and sealed. Pertinently, the said notice was communicated to the petitioner bank and the petitioner has acknowledged the same by affixing its seal.

5. Despite the fact that opportunities were granted to the bank from

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the year 2023 to shift the bank from the unauthorized building, the authorities of the petitioner bank had failed to initiate any action. The inaction, lapses, negligence committed by the bank authorities cannot be a ground to grant time in the present writ petition. In this regard, the Management of the bank has to initiate all appropriate actions including disciplinary action against the bank officials who have committed such lapses and negligence in spite of the notice and information provided by the competent authorities of the Greater Chennai Corporation. The practice of filing writ petition after writ petition to escape from the clutches of enforcement action against unauthorized construction at no circumstances, be encouraged by the High Court. This Court is witnessing multiple writ petitions even after the issues are settled by the Courts. Such multiplicity of proceedings are to be seriously viewed, failing which the litigations will never come to an end and the public trust on the judicial system will be shaken.

6. In the present case, the owner has filed revision petition and

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exhausted all the remedies. After exhausting the remedies by the owner of the building, now the occupants are attempting to develop litigation, which cannot be approved by this Court. In view of the facts and circumstances, the petitioner is not entitled for any relief from the hands of this Court and the respondent-Corporation authorities are empowered to continue all further actions as contemplated under law. With these observations, the writ petition stands dismissed. Consequently, W.M.P.Nos.16655 & 16656 of 2025 are also dismissed. No costs.

Index : yes (S.M.S.,J.) (K.R.S.,J.)
Neutral citation : yes/no 24.04.2025

ss

To

1 THE SECRETARY TO GOVERNMENT
OF TAMIL NADU
HOUSING AND URBAN
DEVELOPMENT DEPARTMENT
CHENNAI 600 009.

2 THE DISTRICT REVENUE OFFICER/
ZONAL OFFICER, ZONE - 10
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