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WP.No.16343 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

WP.No.16343 of 2025

and

WMP.Nos.18470 & 18471 of 2025

1. Mr.Senthamizh Thambi,
S/o Late Mr.Ganesan
No.47, Avvaipuram,
Shenoy Nagar,
Chennai - 600 030

2. Sarmila Ganesh,
No.09, Avvaipuram,
Shenoy Nagar,
Chennai - 600 030

...Petitioners

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2. Assistant Commissioner,
Greater Chennai Corporation,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030

3. Assistant Engineer, Division No.5,
Greater Chennai Corporation,
Pulla Venue, Shenoy Nagar,
Chennai - 600 030.



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4. G.Pasumathibalan,
S/o Late Me.Ganesan
47, Avvaipuram,
Shenoy Nagar,
Chennai - 600 030.

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... Respondents

Prayer: Writ Petition filed under Article 226 of th Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 3 herein to take immediate steps in accordance with law to stop and demolish the unauthorized construction put up by the 4th respondent in Plot No.47, Avvaipuram, Shenoy Nagar, Chennai - 600 030 and consider the petitioners representation dated 11.04.2025.

For Petitioners : Mr.J.Saravana Vel

For Respondents : Mrs.K.Aswini Devi,
Standing Counsel for
R1 to R3

ORDER

(Order of the Court was delivered by J.Nisha Banu, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus to direct the respondents 1 to 3 herein to take immediate steps in accordance with law to stop and demolish the unauthorized construction put up by the 4th respondent in Plot No.47, Avvaipuram, Shenoy Nagar, Chennai - 600 030 and consider the petitioners representation dated 11.04.2025.

2. The case of the petitioners is that the petitioners, 4th respondent



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and 3 others are the legal heirs of one late Mr.Ganesan. Mr.Ganesan was allotted Plot No.40 in Avvaipuram Shenoy Nagar, Chennai -30 measuring approximately 69 sq.ft. of land by the Tamilnadu Slum Clearance Board, vide proceedings dated 31.01.1984 on a lease-cum-sale basis. After the demise of Mr.Ganesan, the 1st petitioner and 4th respondent alone are residing in the said plot in two different portions with their families. While so, the 4th respondent without obtaining necessary permission or approval from the 1st to 3rd respondents is putting illegal construction in the joint family property. Hence, the petitioners issued legal notice to the 4th respondent. Even though the 4th respondent received the legal notice dated 05.04.2025, he neither stopped the illegal construction nor replied to the notice sent by the petitioners till date. Hence, the present writ petition.

3. Heard the learned counsel for the petitioners, the learned Standing Counsel appearing for the respondents 1 to 3 and perused the materials available on record.

4. Considering the above submissions made by the learned counsel for the petitioners, we are of the opinion that it would suffice if the 2nd respondent is directed to dispose of the representation of the petitioners. Accordingly, without going into the merits of the claim made by the



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petitioners in the writ petition, we direct the 2nd respondent to consider the representation of the petitioners dated 11.04.2025 and pass appropriate orders on the same on merits and in accordance with law after giving opportunity of personal hearing to the petitioner and the 4th respondent and take action in the manner known to law within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B.,J.] [M.J.R.,J.]
02.06.2025

vsi

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Commissioner,
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