



W.P.No.16035 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM :

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

W.P.No.16035 of 2024

Hemanth Kumar  
S/o Mr.Pazhani

.. Petitioner

v.

1. The Additional Secretary (Technical)  
Housing and Urban Development Department  
Secretariat, Chennai 600 009
2. The Principal Secretary/Commissioner  
Greater Chennai Corporation  
Ripon Building  
Chennai 600 003
3. The Executive Engineer  
Zone-3, Greater Chennai Corporation  
No.1, Thattankulam Street, Bazaar Road  
Madhavaram, Chennai 600 067
4. Assistant Executive Engineer (Unit 07)  
Zone-3, Greater Chennai Corporation  
No.1, Thattankulam Street, Bazaar Road  
Madhavaram, Chennai 600 067



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5. Assistant Engineer (Div 028)

Zone-3, Greater Chennai Corporation

No.1, Thattankulam Street, Bazaar Road

Madhavaram, Chennai 600 067

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records leading to the passing of the order dated 20.12.2023 bearing letter No.5902877/UD-VI(1)/2023-2 on the file of the 1st respondent and quash the same and consequently direct the respondents to desal the premises of the petitioner within a time limit to be fixed by this Hon'ble Court.

For Petitioner :: Mr.B.Arvind Srevatsa

For Respondents :: Mrs.E.Ranganayaki  
Additional Government Pleader  
for R1  
Mr.D.B.R.Prabhu  
Standing Counsel for R2 to R5

### ORDER

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

The revision order dated 20.12.2023 passed by the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act is under challenge in the present writ proceedings. Despite the order of Government, this Court directed the Greater Chennai Corporation to conduct inspection and submit a status report. The third respondent/Executive Engineer, Zone-3, Greater Chennai Corporation filed a status report, which



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reveals that the petitioner has constructed the building without any building plan permission. The building is wholly unauthorized. Paragraphs 6 & 7 of the status report read as follows:-

“6. I submit that as per the directions of this Hon'ble Court the building in question at CS7/11, KKR Nagar, 1<sup>st</sup> Main Road, Madhavaram, Chennai 600 060, was inspected by this respondent along with the 4<sup>th</sup> and 5<sup>th</sup> respondents on 20.07.2024. Further at the time of inspection following measurements were taken as follows:

1. East to West            40.3 meters
2. South to North        2.5 meters
3. West to North        40.3 meters

7. I submit that since the petitioner's building is existed in an uneven shape (triangle shape) and the building does not satisfy the minimum prescribed limits as per the Tamil Nadu Combined Development and Building Rules, 2019.”

2. The petitioner approached the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act. The Government dismissed the revision petition with a finding that development is not feasible in the site. Paragraphs 5 & 6 of the said order reads as under:-



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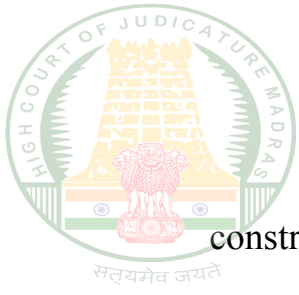


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“5. It is observed that, the approved site as per layout is 26 feet 6 inches by 100 feet or 8.07 m x 30.48 m out of which the petitioner has purchased a plot to an extent of 60 sq.m or 645.84 sq.ft (as per patta) and 468 sq.ft as per document with shops thereon. The said plot is triangular in shape abutting 40 feet wide road, wherein the said GF(shop) building was put up unauthorizedly without leaving required set back spaces. Rectification of the building to satisfy the required set back spaces all around to obtain planning permission as per Tamil Nadu Combined Development and Building Rules, 2019 may not be feasible on the petitioner's triangular site as the dimension of the plot as per patta is 3.6 m (plot depth) x 41.8 m / 41.0 m.

6. After careful consideration of the above facts and submissions made, the Government hereby dismiss the revision petition filed by Thiru.Hemanth Kumar under Section 80(A) of Tamil Nadu Town and Country Planning Act, 1971 for the building put up at C7, KKR Nagar 1<sup>st</sup> Main Road, Madhavaram, Chennai 600 060 as the development is not feasible in the site.”

3. In view of the fact that the building is wholly an unauthorized



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construction without building plan permission and the Government dismissed the revision petition under Section 80-A of the Tami Nadu Town and Country Planning Act, the petitioner is not entitled for any relief. The respondents 2 to 5 are directed to proceed with the enforcement actions by following the procedures and demolish the unauthorized construction, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition stands dismissed with the above direction. Consequently, W.M.P.Nos.17529, 17530 & 17532 of 2024 are also dismissed. No costs.

Index : yes

(S.M.S.,J.) (K.R.S.,J.)

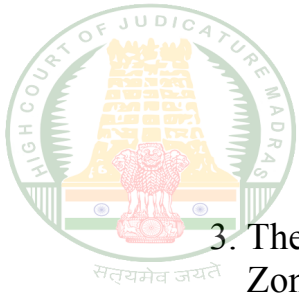
Neutral citation : yes/no

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To

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