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W.P.No.16908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM :

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

W.P.No.16908 of 2024

Ramesh Babu
S/o D.Rajendran .. Petitioner

v.

1. The Secretary
Housing and Urban Development Department
Fort St.George, Chennai 600 009
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
3. The Assistant Engineer
DIV 183, Zonal Office, Zone-XIV
Greater Chennai Corporation
No.6/64, Puzhuthiwakkam Main Road
Perungudi, Chennai 600 096
4. The Assistant Executive Engineer
Unit 41, Zonal Office, Zone XIV
Greater Chennai Corporation



W.P.No.16908 of 2024

No.6/64, Puzhuthiwakkam Main Road
Perungudi, Chennai 600 096

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5. S.Chandra Babu

(R5 impleaded as per order dated
18.07.2024 in WMP.21906/24 in
WP.16908/24)

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to quash the notice No.14/00278/2024 dated 17.05.2024 issued by the third and fourth respondents.

For Petitioner :: Mr.Prem Balaji S

For Respondents :: Mr.T.Chandrasekaran
Special Government Pleader for R1
Mr.P.Prithvi Chopda
Standing Counsel for R2 to R4
Mrs.M.Vijaya for R5

ORDER

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

The stop work notice/notice calling for approved plan issued by the Greater Chennai Corporation in proceeding dated 17.05.2024 is sought to be assailed in the present writ proceedings.

2. The petitioner would submit that he obtained planning permission



W.P.No.16908 of 2024

on 20.09.2018 and he constructed the building and completed the same. The petitioner, admittedly, enlarged the building without obtaining any permission from the Greater Chennai Corporation. The learned counsel for petitioner would submit that under Section 2(9)(c) of the Tamil Nadu Town and Country Planning Act, 1971, no such permission for enlarging the building is required. Since the petitioner enlarged the building within the permissible limit, the writ petition is to be considered.

3. The learned counsel appearing for the fifth respondent would contend that the building constructed by the writ petitioner is wholly unauthorised. The petitioner has not produced any building plan permission to the competent authorities in pursuance to the impugned notice issued. The building enlargement made by the petitioner is causing inconvenience to the fifth respondent. Therefore, the writ petition is to be rejected.

4. The learned Standing Counsel appearing on behalf of the respondent Corporation would submit that a field inspection was conducted by the competent authorities. Despite notice, the petitioner has failed to



W.P.No.16908 of 2024

produce any building plan approval and the authorities found that the building initially constructed by the petitioner is without any planning permission. He has further developed the building, which is also unauthorised. The permission subsequently obtained for demolition and reconstruction is unconnected with the unauthorised constructions already existed and therefore the writ petition is to be rejected.

5. The status report filed by the fourth respondent reveals the following facts:-

“11. I respectfully submit that in order to comply with the orders of the Hon'ble High Court, the petitioner building at Old No.2/156, New No.2/353, 1st Cross Street, Kandasamy Nagar, Palavakkam, Chennai 600 041 was taken measurement by the Assistant Engineer, Division-183, Unit-41, Zone-XIV, Greater Chennai Corporation on 10.07.2024. Since the petitioner had failed to submit the approved plan, the entire building treated as fully unauthorised construction and the building measurement as follows:-

<i>Sl. No.</i>	<i>Description</i>	<i>As per approved plan</i>	<i>As per site</i>	<i>Remarks</i>
1	Front side		3.50	3.50



W.P.No.16908 of 2024

Sl. No.	Description	As per approved plan	As per site	Remarks
2	Rear side	Treated as fully unauthorised construction	0.74	0.74
3	Side Setback (North)		0.78	0.78
4	Side Setback (South)		0.66	0.66
5	Total Area of Building		192.67	192.67
6	Height		7.00	7.00
7	Area at Ground Floor		111.58	111.58
8	Area at 1 st Floor		322.96	322.96
9	Area at Terrace Floor		-	-
10	Floor Space Index		1.25	1.25
11	Usage		Residential	Residential
12	No.of floor		Ground+1	Ground+1

12. I respectfully submit that in continuation Thiru.Chandrababu building at Plot No.161, Kandasamy Nagar 1st Street, Palavakkam, Chennai 600 041 and the building measurement as follows:-

Sl. No.	Description	As per approved plan	As per site	Remarks
1	Front side	1.52	3.06	-
2	Rear side	3.05	2.75	0.30
3	Side Setback (North)	1.52	1.30	0.22
4	Side Setback (South)	1.52	1.30	0.22
5	Total Area of Building	265.76	264.76	-
6	Height	7.00	7.00	-
7	Area at Ground Floor	124.55	136.89	12.34
8	Area at 1 st Floor	141.41	127.87	-
9	Area at Terrace Floor	-	-	-



W.P.No.16908 of 2024

Sl. No.	Description	As per approved plan	As per site	Remarks
10	Floor Space Index	1.19	1.19	-
11	Usage	Residential	Residential	Residential
12	No.of floor	Ground+ 1 floor	Ground+ 1 floor	Ground+1 floor

6. The status report does not contain any details regarding the planning permission granted by Greater Chennai Corporation on 20.09.2018 pursuant to the application submitted by the petitioner on 09.05.2018. The learned Standing Counsel for the Corporation would submit that the said planning permission was taken into consideration by the competent authorities while conducting field inspection in the said property.

7. Be that as it may, this Court is of the considered opinion that no writ against notice is entertainable in a routine manner. The petitioner is expected to submit all the documents to the authorities including the building plan permission to satisfy the legal requirements, which the petitioner failed to do in the present case. The authorities conducted field inspection and found that unauthorised building exists in the premises of the petitioner and deviated construction in the premises of the fifth respondent.



W.P.No.16908 of 2024

Therefore, we do not find any reason to interfere with the impugned notice issued by the competent authorities. In pursuance to the stop work notice/notice calling for approved plan, the petitioner is at liberty to submit his explanation along with the documents, if any, within a period of ten days from today. In the event of receiving any such explanation from the petitioner as well as from the fifth respondent, the competent authority of Greater Chennai Corporation shall look into the same and accordingly proceed with all further actions to remove the unauthorised constructions or deviations, if any, identified. The said exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order. With these observations, the writ petition stands disposed of. Consequently, W.M.P.Nos.24216 of 2024 & 1867 of 2025 are closed. No costs.

Index : yes
Neutral citation : yes
ss

(S.M.S.,J.) (K.R.S.,J.)
13.02.2025

To

1. The Secretary to Government



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