



WEB COPY

WP No. 18358 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2025

CORAM

**THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN
AND
THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN**

**WP No. 18358 of 2025
and
W.M.P.No.20558 of 2025**

1. V.M.Jafarullakhan,
S/o. Mohamed Kasim,
Door No.171, Portuguese Church Street,
Sevenwells, Chennai 600001.

Petitioner(s)

Vs

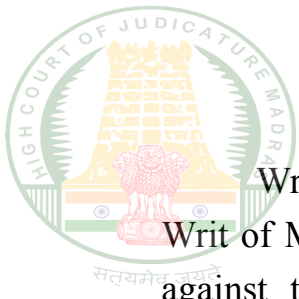
1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Forst St. George, Secretariat, Chennai 600009.

2.The Principal Secretary/Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.

3.Executive Engineer,
Zone 05, Greater Chennai Corporation,
No.105, Basin Bridge Road,
Royapuram, Chennai 600 079.

4.The Assistant Executive Engineer,
Division 55, Zone 05, Greater Chennai
Corporation, No.105, Basin Bridge Road,
Royapuram, Chennai 600 079.

Respondent(s)



Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from taking any coercive action against the building located at R.S.No.1761/2 and 1764/1, Door No.171, Portuguese Church Street, Sevenwells, Chennai 600001, for a period of three months or such period as this Court deems fits by which time the said building would be brought into compliance with the revised plan submitted by the petitioner under application No.OBPA/06/00061/2025 with new plan submission number PPA/WDCN05/03314/2025 and verified by the respondents.

For Petitioner(s): Mr.Sricharan Rangarajan, Senior
Counsel
for Mr.Vikram Veerasamy

For Respondents: Mr.Tamilvendhan,
Government Advocate, for R1
Mr.E.C.Ramesh for R2 to R4

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

Heard Mr.Sricharan Rangarajan, learned Senior counsel for the petitioner, Mr.Tamilvendhan, learned Government Advocate for R1, Mr.E.C.Ramesh, learned counsel for the respondents 2 to 4 and the learned counsel for the intervenor (Mr.K.M.Shajahan).

2.Mr.K.M.Shajahan filed W.P.No.37245 of 2024 for demolishing the unauthorized construction put up by the petitioner and others. The writ petition was disposed of on 31.01.2025 in the following terms:



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"3. Considering the fact that there are about 15 families residing there and there are children also we only direct the Authority to defer action by three months. If the building is found to be in violation of a plan after a period of three months from today, the Authorities will immediately take action to demolish and remove the offending construction".

3.The three months period fixed by the Hon'ble Division Bench has already come to an end. The petitioner, therefore, apprehends demolition at any moment. In this background, the present writ petition has been filed.

4.The learned Senior counsel would state that the petitioner has already applied to the authorities with the revised building plan. He states that application was filed some time in April 2024, but it was registered only on 30.04.2025.

5.The learned counsel draws our attention to paragraph 2 of the order dated 31.01.2025, which reads as follows:

"2. As of today, the building is in violation of the sanctioned plan. The affidavit extracted above states that the fifth respondent will either remove the offending



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portions of the construction and bring the building in conformity with the existing sanctioned plan or obtain a revised plan. We are not going into the question as to whether the fifth respondent would be entitled to apply for a revised plan or a revised plan would be within the parameters prescribed under the relevant law viz. the Combined Development and Building Rules."

6. Since the petitioner has already availed the course of action indicated in paragraph 2, we are of the view that the petitioner deserves to be given some breathing time. We are, of course, conscious of the fact that we cannot rewrite the order earlier passed by the Coordinate Bench. It is open to the petitioner to move the Division Bench which disposed of W.P.No.37245 of 2024 either for modification or extension.

7. The learned Senior counsel states that the petitioner would file such petition immediately on the reopening date. It is for the petitioner to pursue the remedy in the manner known to law. No coercive action shall be taken against the petition mentioned building till 23.06.2025.



8.The writ petition stands disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

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[G.R.S.,J.] [V.L.N.,J.]

14.05.2025

gpa/sli

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Secretary to Government of Tamil Nadu
Housing and Urban Development
Department, Forst St. George, Secretariat,
Chennai 600009.

2.The Principal Secretary/Commissioner,
Greater Chennai Corporation,
Rippon Building Chennai 600 003.

3.Executive Engineer,
Zone 05, Greater Chennai Corporation,
No.105, Basin Bridge Road,
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