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WP No. 18394 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P. No. 18394 of 2025

and W.M.P.No.20591 of 2025

1. V.M.S.Pachaiyappan
S/o.Singaravelu, No.882, Sakthi
Towers, MTH Road, Padi,
Chennai-600 050

Petitioner(s)

Vs

1. The District Collector
Tiruvallur, Chinna Ekkadu, Jaya Nagar,
Tiruvallur, Tamilnadu-602 001

2.The Assistant Divisional Engineer
Highways Department,
Government Of Tamilnadu

3.The Junior Engineer
Greater Chennai Corporation, Zone Vii,
No.536, Chennai Thiruvallur Highway Road,
Ambattur Chennai-600 053

4.The Assistant Executive Engineer
Greater Chennai Corporation,
U-19/zone-7 No.536 Chennai Tiruvallur
Highway Road, Ambattur Chennai-600 053



5.The Executive Engineer
Greater Chennai Corporation, U-19 Zone-7,
No.536, Chennai Thiruvallur Highway Road,
Ambattur Chennai-600 053

6.The Tahsildar
Chennai-tiruvallur High Road, Gandhi Nagar,
Ambattur, Chennai, Tamilnadu-600 053

7.The Special District Revenue Officer
Land Acquisition, Highway Department,
Greater Corporation, Alandur,
Chennai-600 016

Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Prohibition to prohibit respondents 1 to 6 from taking any further action pursuant to Notice No.ZONE-VII/TPENF/DN-87/379/2024 dated 9.1.2025 served to the petitioner on 7.5.2025 on the file of the 3rd, 4th and 5th respondents

For Petitioner(s): Mr. Sharath Chandran

For Respondent(s): Mrs.E.Ranganayaki
Additional Government Pleader
For R1 and R2
Mr. E.C.Ramesh Standing
Counsel for R6



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ORDER**(Order of the Court was made by J.NISHA BANU J.)**

The present Writ Petition has been filed seeking a Writ of Prohibition, directing respondents 1 to 6 not to proceed with any further action pursuant to Notice No. ZONE-VII/TPENF/DN-87/379/2024 dated 09.01.2025, which was served on the petitioner on 07.05.2025, by Respondents 3, 4, and 5.

2. The case of the petitioner is that he is the absolute owner of the property measuring 9,636 sq.ft. in Survey Nos. 1176/2 and 1177/2, Koratur Village, Ambattur Taluk, Thiruvallur District. Initially his father constructed a paint factory on the ground and 1st floor in the year 1976. The said factory was closed in the year 1991 and was converted into a commercial marriage hall. In 1995, two additional floors were constructed, and the property was let out for shops. Around 2009, the marriage hall business was closed, and the premises were used as a multi-brand automobile showroom, which also led to its closure with the onset of the COVID-19 pandemic coupled with the financial instability. Since then, the building remained unoccupied which is supported by the electricity consumption records.

2.1. Allegations were made regarding encroachment into adjacent public land in Survey Nos. 320/2C and 320/2B, leading to notices issued by the 6th and 2nd Respondents on 24.09.2009 and 05.06.2009, respectively, under the Tamil Nadu Land Encroachment Act, 1905. A writ petition, W.P. No. 19810 of



2009, was filed challenging a demolition notice, which was disposed of with a direction to file an appeal. Although appeals were preferred, they were dismissed by the 1st Respondent on 18.02.2011 on the ground of delay. This order was subsequently set aside by this Hon'ble Court in W.P. No. 7359 of 2011, vide order dated 23.03.2011, and the matter was remanded for fresh consideration.

2.2. Separately, a Writ Petition in W.P. No. 29831 of 2016 seeking removal of encroachments on government lands was allowed on 29.08.2016. Pursuant to this, notices were again issued by the 6th Respondent on 13.02.2017 and 10.10.2019, alleging encroachment of 352 sq. m. in Survey No. 320/2C, and directing its removal within a week.

2.3. To clarify the extent of the encroachment, the petitioner sought a resurvey. The resurvey report dated 21.02.2020 confirmed that only the sunshade encroached upon government land in Survey Nos. 320/2C and 320/2B. A direction to remove the encroachment was issued on 27.02.2020. The petitioner submitted a reply dated 24.02.2020, undertaking to remove the sunshade while seeking time, citing potential structural impact. This was acknowledged by the 6th Respondent. Meanwhile, on 22.01.2021, the 7th Respondent issued a notice under the Highways Act, 2001, proposing to acquire 20.7 sq. m. for road expansion.

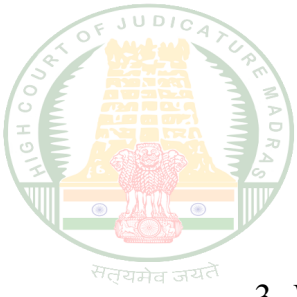


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2.4. The petitioner resumed plans to restart the showroom. Between August and October 2024, workers were engaged to remove the encroaching sunshade and carry out interior modifications. However, on 21.10.2024, the Greater Chennai Corporation issued a notice under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971, terming the activity as unauthorized construction and demanding a penalty of Rs. 35,000/-, which was paid on 24.10.2024. A site inspection also occurred on the same day. A detailed explanation was submitted on 25.11.2024, clarifying that the work was limited to removing the encroachment and internal changes.

2.5. After a gap of nearly four months, the Corporation issued Form-I and Form-II under the Town and Country Planning Act, requesting documents. Subsequently, a lock-and-seal notice dated 09.01.2025 under Section 56 of the Act was issued. But, the notice was physically served only on 07.05.2025 at 12:32 PM, a discrepancy supported by CCTV footage.

2.6. It is the further case of the petitioner that the impugned notice disregards earlier departmental findings and the petitioner's prior undertakings. The petitioner asserts that no new construction was carried out except for sunshade removal and interior work to facilitate reopening of the showroom. The present writ is therefore filed to restrain the respondents from taking further action pursuant to the impugned notice dated 09.01.2025..



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3. When the matter is taken up for hearing today, the learned counsel for the petitioner submits that the petitioner has already obtained the approved building plan.

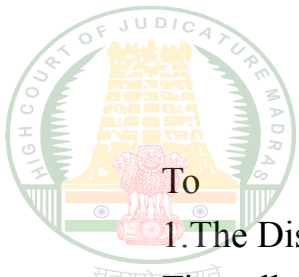
4. Heard the learned counsel appearing for the petitioner as well as the respondents and perused the materials placed before this Court.

5. If the petitioner's building in question is found to be not in accordance with the approved building plan, the Respondents are at liberty to take appropriate action strictly in accordance with law. However, the present writ petition, seeking to challenge the issuance of a lock and seal notice, is not maintainable, as the writ of prohibition does not lie against administrative or executive actions. Therefore, the relief sought for by the petitioner cannot be granted and hence, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)

20-06-2025

ASI



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