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W.P.No.18775 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2025

CORAM:

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

W.P.No.18775 of 2025
and
WMP Nos.21022, 21023, 21026 of 2025

1. Dr.A.B.Manimaran

2. Dr.M.Sugandha Priya

...Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Additional Secretary (Technical)
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600 003.
3. The Executive Engineer, Zone -I,
Greater Chennai Corporation,
Thiruvottiyur High Road,
Thiruvottiyur, Chennai 600 019.



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4. The Assistant Executive Engineer,
Zone -1,
Greater Chennai Corporation,
Thiruvottiyur High Road,
Thiruvottiyur, Chennai 600 019.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1st respondent in letter No. 8255768/UD 8(2)/2024-4 dated 28.01.2025 and the consequential impugned original Notice issued by the 4th respondent in Notice No NZ-1/D-11/No. 1 dated 10.02.2025 and to quash the same and consequently, directing the respondents to consider the Revised Plan Approval submitted by the Petitioners dated 24.04.2025 for granting approval of construction of residential building bearing Door No. 172A, Thiruvottiyur High road, Thiruvottiyur, Chennai 600 019, comprised in S. No. 237/124, T.S.No. 69/1, Block No. 24, Ward H, Thiruvottiyur Village, Greater Chennai Corporation Division-10, Zone-1.

For Petitioners : Mr.S.Neduchezhiyan

For Respondents : Mr.Habeeb Rahman,
Government Advocate, for R1

Mr.E.C.Ramesh, for RR2 to 4



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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The petitioners have put up a building which admittedly is not in consonance with the approved plan. Hence, the Government vide order dated 28.01.2025 issued the following order:

“8. Considering the above facts and submissions made, the Government issues the following orders:

(i) Greater Chennai Corporation shall issue revised lock and seal notice indicating the deviations in the building after causing proper inspection of the site in the presence of the revision petitioner within 10 days.

ii) Three months time is granted to the revision petitioner from the date of issue of revised notice to rectify the deviations and to restore the building as per approved plan or to get revised approval for the rectified building as per Tamil Nadu Combined Development and Building Rules, 2019.

iii) Till such time there shall be a stay on the impugned notices issued to the building in the



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subject premises and no coercive action shall be taken.

iv) On expiry of the sald period of three months time, Greater Chennai Corporation shall proceed with further action as per the provisions in Tamil Nadu Town and Country Planning Act, 1971, if the petitioner failed to comply the above directions within the time specified.”

3. It is stated by the petitioners that within three months, the petitioners submitted a revised building plan on 24.04.2025. The second respondent is yet to pass orders thereon. The grievance of the petitioners is that without giving disposal to the revised building plan submitted by the petitioners, the building is now sought to be demolished.

4. When the petitioners have discharged their part of the obligation, it is for the respondents to either accept the revised building plan or reject the same. Without passing an appropriate order on the revised building plan submitted by the petitioners, it is not open to the local body to demolish the petition mentioned building. We direct the second respondent to dispose of



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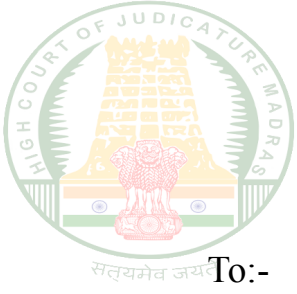
the revised building plan application of the petitioners within a period of eight weeks from the date of receipt of a copy of this Order, till then no coercive action shall be taken by the respondents.

5. The Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently the connected miscellaneous petitions are closed.

(G.R.S., J.) (V.L.N., J.)
21.05.2025

jv/dsa

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-Speaking order



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To:-

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Housing and Urban Development Department,
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2. The Commissioner,
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G.R.SWAMINATHAN, J.
and
V.LAKSHMINARAYANAN, J.

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