



W.P.No.19378 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11-06-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**WP No. 19378 of 2025
and WMP.No.21632 of 2025**

A.Senthil Kumar
S/o. S. Annamalai, No.8/88, Jones Road, Saidapet,
Chennai-600 015.

Petitioner(s)

Vs

1.The Commissioner

Greater Chennai Corporation, Rippon Buildings,
Chennai-600 003.

2.2. The Deputy Commissioner (works)

Greater Corporation Chennai , Rippon Buildings,
Chennai-600 003.

3. The Assistant Commissioner

Greater Corporation Of Chennai, Zone-x, Ward No.142, No.64, N.S.K. Salai,
Kodampakkam, Chennai-24.

4. The Executive Engineer

Greater Corporation Of Chennai, Zone-x, Ward No.142, No.64, N.S.K. Salai,
Kodampakkam, Chennai-24.

5. The Assistant Engineer

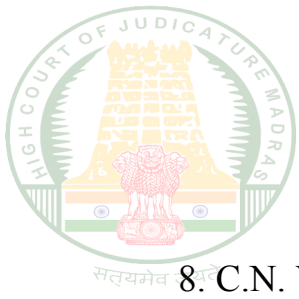
Corporation Of Chennai, Zone-x, Ward No.140, Kodampakkam, Chennai-24.

6. The Vigilance Officer

Greater Chennai Corporation, Rippon Buildings, Chennai-600 003.

7. The Assistant Engineer

Tangedco (tamil Nadu Electricity Board), Thodunter Nagar Electricity
Distribution Circle, Saidapet (east), Chennai-600 015.



W.P.No.19378 of 2025

8. C.N. Viswanathan

Plot No.90/4, Jones Road, West Saidapet, Chennai-600 015.

9. C.N. Muralidharan

Plot No.90/4, Jones Road, West Saidapet, Chennai-600 015.

Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to take appropriate action to prevent the illegal and unauthorized construction of the respondents 8 & 9 in Plot.No.90/4, Jones Road, West Saidapet, Chennai-600 015 (Zone No.10, Division No.142) by considering the petitioners' representation dated 13.02.2025.

For Petitioner : Mr.A.Ilaya Perumal

For Respondent : Mr. D.B.R. Prabhu
Standing counsel for R1 To R7

Mr.J.T.Rajasuriya For R8 & R9

ORDER

(Order of the Court was made by the Hon'ble J.Nisha Banu J.)

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents 1 and 2 to take appropriate action to prevent the illegal and unauthorized construction of the respondents 8 & 9 in Plot.No.90/4, Jones Road, West Saidapet, Chennai-600 015 (Zone No.10, Division No.142) by



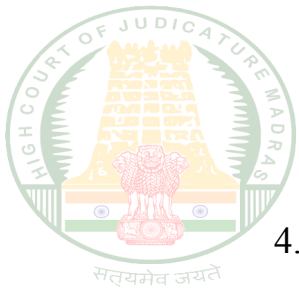
W.P.No.19378 of 2025

considering the petitioners' representation dated 13.02.2025.

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2.The petitioner averred that he is residing at No. 8/88, Jones Road, Saidapet, Chennai-600 015, and filed this writ petition seeking intervention against the illegal and unauthorized construction being carried out by respondents 8 and 9 in the adjacent property bearing Plot No. 90/4, Jones Road, West Saidapet, Chennai (Zone No.10, Division No.142).

3. The petitioner alleges that the said construction is being undertaken as against the planning permission and building approval granted under the Tamil Nadu Town and Country Planning Act. It is the petitioner's further case that on 6th December 2024, respondents 8 and 9 commenced excavation work using a JCB machine to dig a 10-feet deep trench on the eastern side of the petitioner's building without taking any safety precautions. Despite requests from the petitioner's family members to implement safety measures, the respondents continued the excavation which resulted in a landslide at about 1:45 pm on the same day. The petitioner has produced photographic and video evidence, including CCTV footage, to substantiate this claim. The landslide caused cracks in the petitioner's building.



W.P.No.19378 of 2025

4. The petitioner made several complaints to the Greater Chennai Corporation authorities (respondents 1 to 6), including online complaints numbered 1913 (2024-582FMR) and TN/MAWS/CHN/I/CC/07DEC24/10603533 dated 7/12/2024. Legal notices were also issued to respondents 8 and 9 on 16th December 2024 and 13/1/2025, to which they sent an unsatisfactory reply dated 15th January 2025 denying liability. During the heavy rains between 11/12/2024 to 17/12/2024, the petitioner had to take protective measures by covering the affected area with sheets to prevent further soil erosion.

5. Despite these complaints, respondents 8 and 9 resumed construction activity by erecting a 9-feet high compound wall with an inadequate 3-feet deep foundation in the affected area which is an imminent danger to his property. The petitioner further alleges that the construction violates mandatory setback requirements and other Development Control Regulations.

6. The petitioner submitted a detailed representation dated 13/02/2025 to the Member Secretary, CMDA and respondents 1 to 6, requesting action against the unauthorized construction and seeking discontinuation of electricity supply to the premises by respondent 7 (TANGEDCO). However,



W.P.No.19378 of 2025

no action has been taken by any of the official respondents till date. The WEB CMDA responded stating they had not issued any planning permission for the construction, while the Greater Chennai Corporation authorities failed to act on the petitioner's complaints or provide information sought under the RTI Act.

7. The petitioner contends that the unauthorized construction by respondents 8 and 9, coupled with the failure of the authorities to take corrective action, has put the petitioner's life and property at grave risk. The petitioner has therefore approached this Court seeking appropriate directions to restrain the illegal construction and compel the authorities to discharge their statutory obligations.

8. Notice was ordered to respondents 8 and 9 on 28.05.2025; Mr.D.B.R.Prabju, learned Standing counsel accepted notice for respondents 1 to 7. However, there is no status report filed by respondents 1 to 7. Respondents 8 and 9 have not filed any counter.

9. Heard.

10. Taking note of the averments made in the writ petition, without



W.P.No.19378 of 2025

going into the merits of the case, respondents 1 to 6 are directed to consider the representation of the petitioner dated 13.02.2025 by giving opportunity of personal hearing to the petitioner as well as respondents 8 and 9 and pass orders in accordance with law. If the respondents 1 to 6 found that the construction activity is carried on by respondents 8 and 9 in contravention to the provisions of Town and Country Planning Act, respondents 1 to 6 are directed to take necessary enforcement action as per the statutory Rules. Such an exercise shall be carried out by the respondents 1 to 6 within a period of eight weeks from the date of receipt of a copy of this order.

11. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
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W.P.No.19378 of 2025

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