



W.P.No.19371 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 28.05.2025

CORAM :

The Hon'ble MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

and

The Hon'ble MRS.JUSTICE T.V.THAMILSELVI

W.P.No.19371 of 2025

and W.M.P.Nos.21622, 21624 and 21625 of 2025

D.Saranya Devi

.. Petitioner

-VS-

1. The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
2. The Zonal Officer,
Greater Chennai Corporation,
Ward 24, Division 32 (Zone 3, Zonal Office),
Madhavaram, Chennai 600 060.
3. The Executive Engineer,
Zone-III, Greater Corporation of Chennai,
Ward-24, Division-32,
No.1, Thattanulam Road,
Madhavaram, Chennai 600 060.
4. The Asst. Executive Engineer,
Zone-III, Greater Corporation of Chennai,
Ward-24, Division-32,
No.1, Thattanulam Road,
Madhavaram, Chennai 600 060.



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5. The Assistant Engineer,
Greater Corporation of Chennai,
Ward-24, Division-32,
No.1, Thattanulam Road,
Madhavaram, Chennai 600 060.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondents 3 to 5 and quash the impugned De-Occupation Notice No.Dn32/001/2024 dated 15.04.225 as the same is perverse, arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequently forbear the respondents 3 to 5, their men, agents, servants and subordinates from sealing, locking, demolishing or in any manner proceeding against the petitioner's property bearing Plot No.54A, 5th Street, Santhosh Nagar, Pthagaram, Kolathur, Chennai 600 099 pursuant to the Rspondents 3 to 5 impugned De-Occupation Notice No.Dn32/001/2024 dated 15.04.2025 or otherwise and drop all further proceedings pertaining to the petitioner's property.

For Petitioner : Mr.L.K.Manjunath

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel (Corporation)

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ORDER

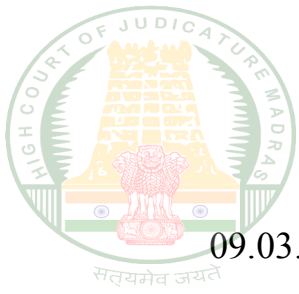
(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

By this petition, the petitioner challenges the de-occupation notice dated 15.04.2025.

2. Mr.D.B.R.Prabhu, learned standing counsel for the Corporation, accepts notice for all the respondents.

3. A lock and seal notice dated 03.07.2024 was issued in respect of the petitioner's property at Santhosh Nagar, Kolathur, Chennai. The petitioner filed a Special Revision Petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. Such petition was disposed of by order dated 14.10.2024, by granting a stay on the lock and seal notice dated 03.07.2024, for a period of three months, so as to enable the petitioner to obtain necessary approval of the building after rectifying the violations.

4. Learned counsel for the petitioner submits that an application for permission to demolish and re-construct was filed by the petitioner on



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09.03.2025 by paying the requisite fees. Without considering such application, he submits that the impugned de-occupation notice was issued on 15.04.2025.

5. If permission were to be granted to the petitioner to demolish the relevant building, it is likely that the deviations in the earlier construction would stand rectified. Therefore, it is just and necessary to provide an opportunity to the petitioner to do so.

6. Accordingly, this writ petition is disposed of with the following directions:

- 1) The third respondent is directed to consider the petitioner's application for demolition and re-construction and dispose of the same within fifteen days from the date of receipt of a copy of this order, after providing a reasonable opportunity to the petitioner;
- 2) Until such time, the respondents are restrained from initiating coercive action against the petitioner's property, pursuant to the de-occupation notice dated 15.04.2025 or otherwise.



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There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.K.R., J.)

(T.V.T.S.,J.)

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Index : No
Website : Yes
Speaking Order

sra

To

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Senthilkumar Ramamoorthy, J.
and
T.V.Thamilselvi, J.

(sra)

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