



W.P.No.20933 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
W.P.No.20933 of 2025

R.S. Madhavan
S/o Srinivasan, No 4/13,
6th Street, Jai Nagar ,
Arumbakkam, Chennai 600 106

...Petitioner

Versus

1. The Principal Secretary,
Housing And Urban Development
Department, Secretariat, Chennai 600
009

2.The Commissioner
Greater Chennai Corporaiton,
Rippon Buildings, Chennai 600 003

3.The Executive Engineer
Zone-10, Greater Chennai
Corporation, No 117, N.S.K. Salai,
Kodambakkam, Chennai 600 024

4.The Assistant Executive Engineer
Unit -29, Zone -10, Corporation Of
Chennai, 1st Cross Street, Natesan
Nagar, Chennai 600 092



W.P.No.20933 of 2025

5.The Assistant Engineer
Division -127, Corporation Of
Chennai, No 2, Amman Koil Street,
Vadapalani Chennai 600 026

6.B. Murugan
S/o Balaraman, Door No 2/14,
Jainagar 6th Street, Arumbakkam
Chennai 600 106

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents 3 to 5 in pursuant to the impugned notice titled 'Nothice for the removal of unauthorised development carried out without planning permission' vide notice No.Z10/1045/2025, dted 13.03.2025, undersigned by the respondents 3 to 5 herein and to quash the same as illegal, consequently, to direct the 1st respondent to proceed with the appeal filed by the petitioner under Section 80A of the Tamil Nadu Town and Country Planing act, 1971, within a time period stipulated by this Court.

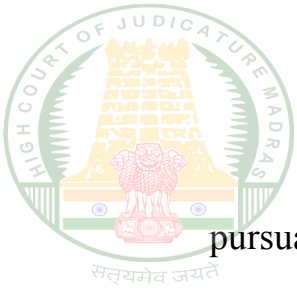
For Petitioner(s): Mr.P.Muralikrishnan

For Respondent(s): Mr. M.Venkateswaran, Spl.GP
for R1
Mr.A.Arun Babu, St.Counsel
for R2 to R5

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents 3 to 5 in



W.P.No.20933 of 2025

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pursuant to the impugned notice titled 'Notice for the removal of unauthorised development carried out without planning permission' vide notice No.Z10/1045/2025, dtd 13.03.2025, undersigned by the respondents 3 to 5 herein and to quash the same as illegal, consequently, to direct the 1st respondent to proceed with the appeal filed by the petitioner under Section 80A of the Tamil Nadu Town and Country Planning act, 1971, within a time period stipulated by this Court.

2. According to the petitioner, he owns a dwelling house bearing D.No.4/13, 6th Street, Jai Nagar, Arumbakkam, Chennai, which was constructed by his father in the year 1972 after obtaining approved plan, while so, the 6th respondent herein, constructed an unauthorised construction with Ground + 2 floors and attempting to encroach upon his western side of the property. Hence, the petitioner made representations to the official respondents and the respondents 3 to 5 also issued a lock and seal and demolition notice to the 6th respondent, dated 27.06.2019, however, thereafter, no action was taken. However, surprisingly, a notice dated 24.12.2016 was issued to the petitioner, calling upon him to produce



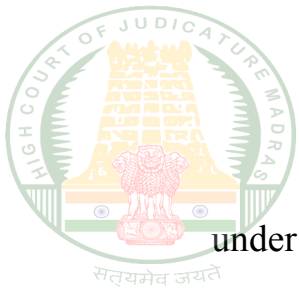
W.P.No.20933 of 2025

approved plan. The petitioner has also given explanation to the said notice.

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However, the 3rd respondent without considering the same, gain and again sending series of notices calling upon the petitioner to produce approved plan. On 13.03.2025, the impugned notice was issued to the petitioner, calling upon him to remove unauthorised development carried out without planning permission. Challenging the same, the petitioner has come forward with the present Writ Petition.

3. A counter affidavit has been filed on behalf of the 3rd respondent, stating that based on the complaint given by the 6th respondent herein, the 4th respondent inspected the subject building of the petitioner and thereafter, notice dated 12.02.2025 was issued under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971, calling upon the petitioner to submit the approved plan. However, since the petitioner has failed to comply with the notice, the entire building has been treated as unauthorized and further action has been taken by issuing a notice for removal of unauthorized development carried out without planning permission dated 13.03.2025. Challenging the same, the petitioner also preferred an appeal



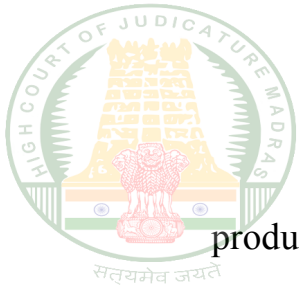
W.P.No.20933 of 2025

under Section 80A before the 1st respondent and thereafter, filed the present writ petition.

4. The learned counsel for the petitioner would submit that though the petitioner has submitted reply to the notices issued by the respondents, stating that his house was constructed in the year 1972 with proper plan approval, however, the impugned notice was issued, without even mentioning what was the deviation or unauthorised development so that the petitioner can remove the same.

5. The learned Standing counsel for the Corporation would submit that despite notice, calling upon the petitioner to produce the approved plan, as the petitioner failed to produce the same, the entire building was treated as unauthorized and further action has been taken by issuing a notice for removal of unauthorized development carried out by him.

6. Considering the submission made by the learned counsel on both sides, without advertng to the merit of the case, we direct the petitioner to



W.P.No.20933 of 2025

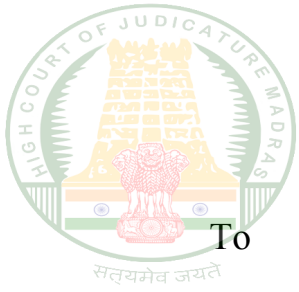
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produce the approved plan and thereafter, the 4th respondent shall conduct inspection of the premises in the presence of the petitioner by giving intimation of inspection in advance to him, identify the deviations/unauthorized development and found if any, give an opportunity to the petitioner to rectify the same and if not rectified, can proceed further in accordance with law.

7. With the above direction, this Writ Petition is disposed of. No costs.

(J.N.B.J.,) (M.J.R,J.,)
09.07.2025

Index: Yes / No
Internet: Yes / No
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W.P.No.20933 of 2025

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