



WEB COPY

W.P.No.25467 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

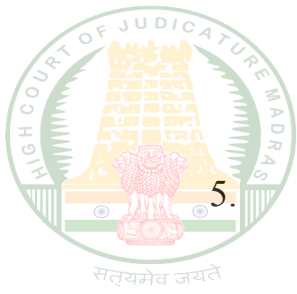
W.P.No.25467 of 2024
and
W.M.P.Nos.27830 & 27831 of 2024

N.Mohana Deepa,
D/o.P.Natarajan

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Additional Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
4. The Additional Chief Secretary/The Commissioner,
The Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.



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5. The Zonal Officer,
ZONE 13, Division - 175,
The Greater Chennai Corporation,
Adyar, Chennai - 600 020.
 6. The Executive Engineer,
ZONE 13, Division - 175,
The Greater Chennai Corporation,
Adyar, Chennai - 600 020.
 7. The Assistant Engineer,
Region - 173, Division - 40, ZONE 13,
The Greater Chennai Corporation,
Adyar, Chennai - 600 020.
 8. K.Charles Vijayaraj
S/o. Krishnamurthy
 9. D.Palaneeswari,
W/o. Dhakshanamurthy
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for an issuance of writ of certiorarified mandamus, calling for the records relating to the order of the 7th respondent issued letter Ma.A.13.Na.Ka.No.C/Special (Sirappu)/2024 dated 21.06.2024, as per the order passed in Letter No.6226/UD-VII(i)/2021-3, dated 29.04.2024 and to quash the same and consequently direct the respondents as illegal in pursuance to the Lock and Seal of the Property at No.26/11A, Govindarajapuram, 1st Street, Adyar, Chennai - 600 020.



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For Petitioner : Ms.Subhashree.G
for Mr.Nagendraprasath

For Respondents : Mr.T.Chandrasekaran
Special Government Pleader
[For R1 & R2]
: Mr.R.Thamaraisalvan
Standing Counsel [For R3]
: Mr.P.T.Ramadevi
Standing Counsel [For R4 to R7]

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The letter dated 29.04.2024 issued by the Government and the subsequent Lock and Seal and De-occupation notice dated 21.06.2024 issued by the 7th respondent are sought to be assailed in the present writ petition.

2. The petitioner states that she is the absolute owner of the building and land to an extent of 759 square feet comprised in Town Survey No.31, Block No.38, (Old Survey No.19/2), bearing Door No.26/11A, 1st street, Govindarajapuram, Adyar, Chennai - 600 020.

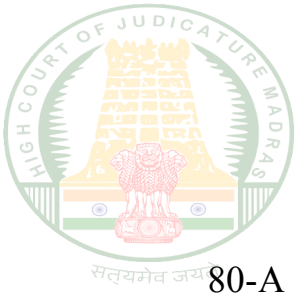


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3. The respondent/Greater Chennai Corporation received a complaint from one Tmt.Palaneeswari/9th respondent, stating that the petitioner constructed unauthorized building without obtaining Building Plan Permission from the competent Authority under the relevant Rules. Pursuant to the complaint, an inspection was conducted by the Assistant Executive Engineer, Unit - 40, Zone - XIII and the Assistant Engineer, Division - 175, Unit 40, Zone - XIII, Greater Chennai Corporation on 16.11.2020. The Authorities found that the petitioner put up construction unauthorisedly and issued a notice calling for approved plan dated 19.11.2020, under Section 56(1) and 57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act')

4. The entire building has been found unauthorised and further action had been taken by issuing Lock and Seal notice dated 05.02.2021 under Sections 56 & 57 r/w Section 85 of the Act. De-occupation notice was issued subsequently, on 30.07.2021 under Section 56 (2) (A) and 57 r/w Section 85 of the Act.



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5. The petitioner's vendor preferred revision petition under Section 80-A before the Government. In pursuance to the orders passed in W.P.No.2913 of 2021, the Government rejected the revision petition *vide* letter dated 29.04.2024. The Government Letter states that the opportunity for personal hearing was held on 02.04.2024. It was found that the ground floor + two floor buildings is unauthorised and put up certain construction on the objectors land. Therefore, the Government rejected the revision petition filed under Section 80-A of the Act. It was declared that the building is wholly unauthorized and further actions are initiated. Both the Corporation Authorities and the Government during the course of hearing of revision petition under Section 80-A found that the building constructed is wholly unauthorised.

6. Therefore, we do not find any reason to interfere with the order impugned. The respondents 1 to 7 are directed to proceed with all further actions and to demolish the unauthorised building within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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With the above directions, the Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

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[S.M.S,J.] [K.R.S,J.]

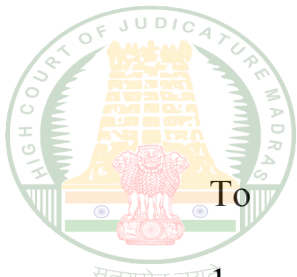
10.02.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
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