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WP.No.21539 of 202:
& W.P.No.36606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM
THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.21539 of 2025 & W.P.No.36606 of 2024
and
W.M.P.No.24305 of 2025 & W.M.P.No.39482 of 2024

W.P.No.21539 of 2025

1. S.Venkatraman
S/o V.Subramanian

2. Nagappan @ Manogaran
S/o Subba Naicker

...Petitioners

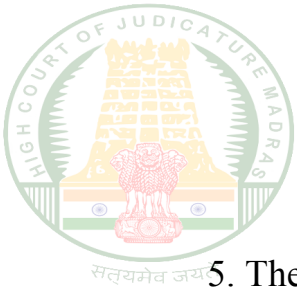
Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

3. The Assistant Commissioner of Police,
Madipakkam Range,
Madipakkam-600 091

4. The Executive Engineer (Zonal-XIV),
Greater Chennai Corporation,
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 091



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5. The Inspector of Police,
S7, Madipakkam Police Station,
Madipakkam,
Chennai - 600 091.

6. Usha,
W. Senthamil selvan

7. A.P.Ashok Prabakar Raja,
S/o A.P.Ram

8. Sasikumar,
S/o Not known

9. Kamala,
W/o not known

R6 to R9 are residing at Ganesh Park,
21, Kalimagal Street, Puzhuthivakkam.
Chennai - 600 91.

...Respondents

Prayer: Writ Petition filed under Article 226 of th Constitution of India seeking to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioners representation dated 21.04.2025 and to take immediate actions against the deviators at Ganesh Park, situated at 21, Kalaimagal Street, Puzhuthivakkam, Chennai - 600 091.

For Petitioner : Mr.D.Suriyanarayanan

For Respondents : Mr.M.Venkateswaran,
Spl.Govt.Pleader for R1
Mr.Prithvi Kumar Chopda
for R2 & R4
Mr.C.Santhosh,
Addl.P.P. for R3 & R5
Mr.S.Veeraraghavan for R6



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M.Usha,
W/o Senthamizh Selvan

...Petitioner

Vs.

1. The State,
represented by its Secretary,
Department of Housing and Urban Development,
St.Fort George,
Chennai.

2. The Commissioner,
Greater Chennai Corporation,
Chennai.

3. The Member Secretary,
The Chennai Metropolitan Development Authority,
"Thalamuthu Natarajan Bulding",
No.1, Gandhi Irwinn Road, Egmore,
Chennai - 600 008.

4. The Municipal Commissioner,
Tambaram Municipality.

5. The Assistant Engineer,
Zone-14, Division 186, Puzhuthivakkam,
Chennai-600 091

6. Assistant Executive Engineer,
Zone-14, Division 186, Puzhuthivakkam,
Chennai-600 091

7. The Executive Engineer,
Zone-14, Division 186, Puzhuthivakkam,
Chennai-600 091

...Respondents

Prayer: Writ Petition filed under Article 226 of th Constitution of India



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seeking to issue a Writ of Certiorari to call for the records in letter No.7701045/UD-VII(1)/2024-2 dated 25.10.2024 passed by the 1st respondent and quash the same as illegal, unconstitutional.

For Petitioner : Mr.S.Veeraraghavan

For Respondents : Mr.M.Venkateswaran,
Spl.Govt.Pleader for R1
Mr.Akil Akbar Ali
Standing Counsel for R3
Mr.Prithvi Kumar Chopda
for R2, R5 to R7

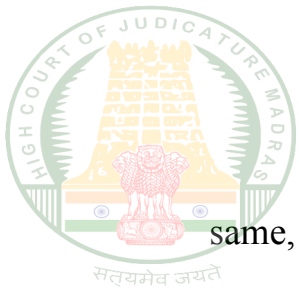
COMMON ORDER

(The order of the Court was made by M.Jothiraman,J.)

W.M.P.No.24305 of 2025 filed seeking to permit the petitioners to file a single writ petition, stands ordered.

2. Under assail in W.P.No.36606 of 2024 is the order dated 25.10.2024, dismissal of four revision petitions filed under Section 80(A) of Tamil Nadu Town and Country Planning Act, 1971, by the Principal Secretary, Department of Housing and Urban Development, Chennai. The writ petition in W.P.No.21539 of 2025 has been filed to direct the Commissioner, Greater Chennai Corporation to consider the writ petitioner's representation dated 21.04.2025 and to take immediate action against the deviators.

3. Since the issue involved in these writ petitions is one and the



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same, both the writ petitions are taken up together for hearing.

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4. The learned counsel appearing for the petitioner in W.P.No.36606/2024, would submit that the order impugned has been passed in hasty manner without assigning any reasons for dismissing the revision petitions. Further, the order impugned came to be passed without following the principles of natural justice.

5. The learned counsel appearing for the petitioner in W.P.No.21539/2025 would submit that as per the order of this Court, no one had negotiated with co-owners for submitting the regularisation of approved plans and order for demolition and reconstruction and they have not come forward to settle the issue amicably.

6. The learned Standing Counsel appearing for the Chennai Corporation would submit that the building in question was inspected by the Assistant Executive Engineer on 26.06.2023 and found that the building was construction with some deviations and proceeded further action by issuance of notice to all the owners under Section 56(i) and Section 57 of Tamil Nadu Town and Country Planning Act, 1971. Thereafter, De-occupation Notice was also issued on 08.04.2024. Further, he would submit that in pursuance to the order of stay granted by this Court dated 13.12.2024, the Corporation officials are unable to proceed



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further and prayed to vacate the order of stay.

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7. We have considered the submissions made on either side and perused the records.

8. It is seen from the records that the Greater Chennai Corporation had issued notice calling for Approved Plan Notice No.14/00721, 00723, 00725, 00724/2023 dated 26.06.2023 and then Locking and Sealing and Demolition Notice No.14/00252, 00250, 00248, 00249/2024 dated 26.02.2024 were issued indicating the deviations with reference to the approved plan pertains to the construction put up at Flat Nos.G1, G3, F1 and G4, Door No. 21, Kalaimagal Street, Puzhuthivakkam, Chennai - 600 091. Subsequently, the Greater Chennai Corporation issued De-occupation Notice No.14/00114, 00116, 00118, 00117/2024 dated 08.04.2024 to the aforesaid properties.

9. The Writ petitioner in W.P.No.36606 of 2024, M.Usha along with A.P.Ashok Prabakar Raja, S.Sasikumar, and Kamala preferred revision under Section 80-A along with Stay Petition under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 against Locking and Sealing and Demolition notice before the 1st respondent i.e., Principal Secretary, Department of Housing and Urban Development, Chennai. In the meantime, Tmt.M.Usha has filed W.P.No.16327/2024



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before this Court against De-occupation notice dated 08.04.2024 and this Court, vide order dated 21.06.2024 has directed the Principal Secretary to Government, Housing and Urban Development Department, to consider and dispose of the Revision Petition filed by the petitioner therein on 18.06.2024 on merits and in accordance within law within a period of six months. It is also directed, till such time, the respondents shall not initiate any coercive action and were directed to maintain *status quo*.

10. In pursuant to the above order dated 21.06.2024, the revision petitioners appeared before the Principal Secretary to Government Housing and Urban Development Department and upon hearing the revision petitioners and the objector Venkatraman(who is the writ petitioner in W.P.No.21539/2025), the Government dismissed all the four revision petitions filed by (1) M.Usha(G1), (2) A.P.Ashok Prabakar Raja (G3) (3) Sasikumar (f1), (4) Kamala (G4) under Section 80-A and the Stay petition under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971, as the existing Ground Floor + First Floor building is constructed with deviations from the approved plan and in violation of Rules and directed the Chennai Corporation to proceed with and to take further necessary action. This Court, vide order dated 13.12.2024, directed the parties to work out for compromise so that they can make a



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collective application either for regularisation or for demolition and also granted an order of stay.

11. It is brought to the notice of this Court by the learned counsel appearing on behalf of the official respondents that even after obtaining an order of stay and as directed by this Court, the parties have not worked out for compromise either to make collective application for regularisation or for demolition.

12. A perusal of the order impugned dated 25.10.2024 shows that there is a dispute between the objector (writ petitioner, S.Venkatraman in W.P.No.21539 of 2025) and flat owners pertaining to the subject building. Some owners have vacated and few owners are residing in the subject premises. The Greater Chennai Corporation is in the process of sealing the entire building as it is constructed with deviation from the approved plan and in violation of rules. Out of 7 owners, 4 owners have filed revision petition. 2 owners have been impleaded as objectors. The writ petitioner in W.P.No.36606/2024 and other flat owners are not willing to rectify the deviations in the subject building. Therefore, we are of the view that even after granting sufficient time for compromise and to make collective application either for regularisation or for demolition, till date, they have not come forward with any solution.



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13. Under such circumstances, when the Greater Chennai Corporation found that the building in question at Ganesh Park Flat, Door No.21, Kalaimagal Street, Puzhuthivakkam, Chennai - 600 091 is constructed with deviation from the approved plan and in violation of Rules, this Court is not inclined to continue the stay order granted by this Court. Therefore, the stay order granted in W.M.P.No.39482/2024 in W.P.No.36606/2024 on 13.12.2024, is hereby vacated. The Greater Chennai Corporation shall proceed to take necessary further action as per the provisions of Tamil Nadu Town and Country Planning Act, 1971. Accordingly, both the Writ Petitions are disposed of. No costs. The connected miscellaneous petitions are closed.

[J.N.B.,J.] [M.J.R.,J.]
27.06.2025

vsi

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.



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Madipakkam-600 091
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Chennai - 600 091
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