



W.P.No.21552 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2025

CORAM :

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

W.P.No.21552 of 2024

J.Jamal

... Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building Chennai – 600 003.
- 2.The Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.8, Gandhi Irwin Road, chennai – 600 008.
- 3.The Zonal Officer,
Zone – XII, Greater Chennai Corporation,
Alandur, Chennai – 600 016.
- 4.P.Ganesan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, forbearing the respondents 1 to 3 herein from initiating any drastic action in locking and sealing the premises of the petitioner bearing Door No.6/15, 18th street, B.V.Nagar, Nanganallur, Chennai -600 061 in the light of the pendency of appeal dated 16.10.2020 filed



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by the petitioner before the principal secretary to the Government of Tamilnadu,
Housing and Urban Development department, Secretariat, Chennai-600 009.

For Petitioner : Mr.D.Murthy

For Respondents : Mrs.S.Vanitha Joice Rani,
Standing Counsel for GCC (for R1&3)
Mr.R.Thamaraiselvan,
Standing Counsel for CMDA (for R2)
Mr.K.Chozhan (for R4)

ORDER

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

The Writ of Mandamus has been instituted to forbear the respondents 1 to 3 herein from initiating any action for locking and sealing the petitioner's premises bearing Door No.6/15, 18th street, B.V.Nagar, Nanganallur, Chennai -600 061 during the pendency of the appeal.

2. The relief as such sought for to prevent the authorities from initiating actions against the unauthorized construction cannot be granted by this Court. Negative prayer sought for by the petitioner is not entertainable. The authorities competent are empowered to initiate actions, if the building of the petitioner is identified as unauthorized.

3. Learned counsel for the petitioner would submit that, an appeal filed under Section 80A of Tamil Nadu Town and Country Plan Act is pending.



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4. However, the learned counsel for the respondents would submit that the appeal has already been disposed of on 28.10.2024.

5. Irrespective of the fact regarding the pendency or disposal of the appeal, the authorities on identification of unauthorized building are empowered to initiate all appropriate actions by following the due procedures as contemplated under the Act and Rules.

6. Thus, the prayer is not entertainable. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

[S.M.S., J.] [K.R.S., J.]
14.02.2025

Index: Yes/No
Speaking/Non-speaking order
gd



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S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

gd

To

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Rippon Building Chennai – 600 003.
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