



WEB COPY

WP No. 21207 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

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

WP No.21207 of 2024

1. C.Kumar

S/o.Chokkalingam, Residing At I
Block, Door No.4, Rohini Gardens,
R.A.Puram, Chennai 600028.

Petitioner(s)

Vs

1. The Director of Medical Education
And Research
Kilpauk, Chennai 600010.

2.The District Collector
Chennai District, Rajaji Salai,
Chennai 600001,

3.The District Collector
Kancheepuram, Kancheepuram
District 631501.

4.Chennai Metropolitan Development
Authority
Thalamuthu Natarajan Building, No.1



Gandhi Irwin Road, Egmore,
Chennai 600008.

WEB COPY

5.The Executive Engineer

Zone 14 Chennai Corporation, No.6/64
Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai 600091
(Near Kumaran Theatre)

6.Mr.Rajaboopathy Pandian

Residing At J Block, Door No.1,
Rohini Gardens, R.A.Puram
Chennai 600028.

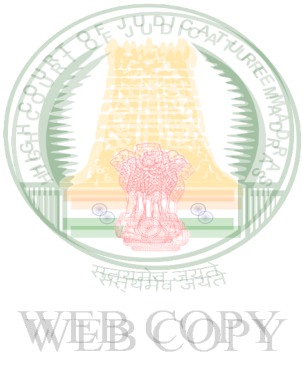
Respondent(s)

PRAYER

Directing the 1st to 5th respondents to demolish the building bearing Door No. 39 Kannagi Street Perunthalaivar Kamarajar Nagar, Perungudi, Chennai 600096 for unauthorised construction and retrieve the land and building from the 6th respondent based on the representation given by the petitioner dated 31.05.2024 followed by further representation dated 08.07.2024.

For Petitioner(s): Ms.Dharani
For Mr.K.Raja

For Respondent(s): Mr.M.Bindran,
Additional Government Pleader
For R1
Mr.E.Veda Bagath Singh,
Special Government Pleader
For RR2 & 3
Mr.R.Tamarai Selvan,
Standing Counsel For CMDA



For R4
Mr.D.B.R.Prabhu,
Standing Counsel for GCC
For R5

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the respondents 1 to 5 to demolish the unauthorized building bearing Door No. 39 Kannagi Street Perunthalaivar Kamarajar Nagar, Perungudi, Chennai 600096 for unauthorised construction and retrieve the land and building from the 6th respondent based on the representation given by the petitioner dated 31.05.2024 followed by further representation dated 08.07.2024.

2. With reference to the allegations regarding removal of unauthorized constructions, the Executive Engineer, Zonal Office-XIV, Greater Chennai Corporation filed a Status Report. The relevant paragraphs of status report reads as under:

“8.I respectfully submit that immediately after inspecting the site in question action has been taken by issuing a Stop Work Notice/Notice calling for approved plan dated 26.03.2025 under



WEB COPY

Section 56(1) and 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971 has been pasted in the front of the building to the petitioners.

9.I respectfully submit that further action against the unauthorised construction building at Door No.39, Kannagi Street, Peruntalaivar Kamarajar Nagar, Perungudi, Chennai – 600 096 will be taken as per the provision of Tamil Nadu Town and Country Planning Act, 1971.”

3. The learned Standing Counsel for Greater Chennai Corporation would submit that after identifying the unauthorized building, Lock and Seal Notice was issued on 22.04.2025.

4. The learned counsel appearing on behalf of the sixth respondent would submit that the land belongs to the Director of Technical Education and Research. Therefore, the land itself belongs to the Government which is encroached upon.

5. The learned Government Pleader appearing on behalf of the first respondent would submit that regarding recovery of possession of land belongs to the Director of Medical Education, the matter is pending before the Government.



6. In any event, the decision of the Government regarding the land is unconnected with the unauthorized building constructed by the sixth respondent without any building plan approval. The Corporation authorities since found the building is wholly unauthorized and there is no building plan approval, they are empowered to continue the enforcement action already initiated.

7. Since Lock and Seal Notice has already been issued, the Corporation authorities are directed to continue the enforcement action and conclude the same by removing the unauthorized construction within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands disposed of accordingly. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

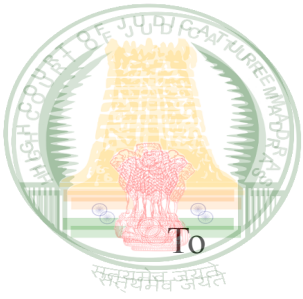
25-04-2025

ssi

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



WEB COPY

1.The Director Of Medical Education
And Research
Kilpauk, Chennai 600010.

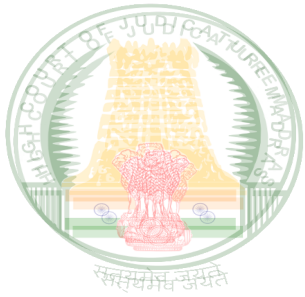
2.The District Collector,
Chennai District, Rajaji Salai,
Chennai 600001,

3.The District Collector
Kancheepuram,
Kancheepuram District 631501.

4.Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600008.

5.The Executive Engineer
Zone 14 Chennai Corporation, No.6/64
Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai 600091
(near Kumaran Theatre)

6.Mr.Rajaboopathy Pandian
Residing At J Block, Door No.1,
Rohini Gardens, R.A.Puram Chennai 600028.



WEB COPY

WP No. 21207 of 2024



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

ssi

WP No. 21207 of 2024

25-04-2025