



W.P.No.23765 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 03.07.2025

C O R A M

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

W.P.No.23765 of 2025

Mr.Kennedy Nesamoney

... Petitioner

-VS-

1. The Member Secretary – CMDA
Chennai Metropolitan Development Authority,
No.1, Ground Floor, Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore, Chennai.
2. The Commissioner for Municipal Administration,
Urban Administrative Building (Opp. CIBA Bldg.),
75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai-28.
3. The Commissioner of Tambaram Corporation,
Muthu Rangan Street, Tambaram,
Chennai-600 045.
4. The Ombudsman - Local Body,
No.100 GST Road, Guindy,
Chennai.
5. Mr.Sivaji
6. Mr.Nandhan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to take action against the illegal construction that is constructed by the 5th and 6th



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respondents in the schedule detail property as per the law of town and country planning act based on the representation dated 02.01.2023 and in furtherance of the notice issued by the 3rd respondent to the 5th and 6th respondents in taking action to lock and seal and to demolish the illegal building that has been constructed by the 5th and 6th respondents in the schedule mentioned property.

For Petitioner	: Mr.A.Senthil Manohar
For R1	: Mr.Akhil Akbar Ali Standing Counsel
For R2	: Mr.M.R.Gokulakrishnan Addl. Govt. Pleader
For R3	: Mr.P.Srinivas Standing Counsel

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed for a direction to the 3rd respondent to take action against the illegal construction that is constructed by the 5th and 6th respondents in the schedule detail property as per the law of town and country planning act based on the representation dated 02.01.2023 and in furtherance of the notice issued by the 3rd respondent to the 5th and 6th respondents in taking action to lock and seal and to demolish the illegal building that has been constructed by the 5th and 6th respondents in the schedule mentioned property.



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2. Mr.Akhil Akbar Ali, learned Standing Counsel takes notice

for R1 and R6. Mr.M.R.Gokulakrishnan, learned Additional Government Pleader takes notice for R2. Mr.P.Srinivas, learned, learned Standing Counsel takes notice for R3. Notice to R4 to R6 is dispensed with, as no adverse order is going to be passed against them. By consent, the Writ Petition itself is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that he filed a complaint dated 02.01.2023 to the respondent against the illegal buildings constructed by the respondents 5 & 6 in the subject property. He also filed W.P.No.21026 of 2023 to consider his representation / complaint dated 02.01.2023 that was positively disposed of on 12.10.2023. Despite the Court's order, the 3rd respondent has not initiated any action against R5 & R6, as they have constructed the building without sanctioned plan. It is further submitted that his Advocate was beaten for representing his case and an FIR in Crime No.269 of 2024 dated 14.09.2024 has been registered against the functionaries of the Kudisaivalvor Nala Urimaigal Sangam. Having left with no other alternative remedy, the petitioner has filed the present writ petition.



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4. Though the petitioner has come out with a larger prayer, the

learned counsel for the petitioner would submit that it would suffice, if the 3rd respondent is directed to consider the representation of the petitioner.

5. Learned Standing Counsel appearing for the 3rd respondent stated that a reasonable time may be granted to the 3rd respondent for considering and passing appropriate orders on the representation of the petitioner.

6. Considering the facts and circumstances of the case and also the submission of the counsel for the petitioner, we deem it fit that it would suffice to direct the 3rd respondent to consider the representation of the petitioner dated 02.01.2023. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the 3rd respondent to consider the representation dated 02.01.2023 of the petitioner, by giving an opportunity of personal hearing to the petitioner, R5 & R6 and thereafter, pass necessary orders in accordance with law. Such an exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.



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No costs. Consequently, connected Miscellaneous Petition is closed.

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(J.N.B,J.,) (M.J.R,J.,)
03.07.2025

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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To:

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J.NISHA BANU, J.



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