



W.P.No.23171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 27.06.2025

C O R A M

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

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S.Selvajothi

... Petitioner

-VS-

1. The Zonal Officer,
Zone-6, Corporation of Chennai,
158, Strahans Road, Pattalam,
Chennai-600 012.
2. The Executive Engineer,
Zone-6, Cororation of Chennai,
158 Strahans Road, Pattalam,
Chennai-600 012.
3. The Assistant Engineer,
Zone-6, Ward-71,
Corporation of Chennai,
No.13/33, Bharathi Road,
Perambur, Chennai-600 011.

4. G.Sathish Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action for demolition of the unauthorized portion of the first floor that encroaches upon the 20 ft. setback area; removal of the



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unauthorized shed constructed by respondent no.4 in the vacant land behind the building situated at Door No.52, Madhavaram High Road, Perambur, Chennai-600 011 to ensure that the entire building is brought into compliance with the approved building plan without selective enforcement so as to enable the petitioner to carry out modifications in the ground floor portion to bring the building into conformity as per the approved plan.

For Petitioner : Mr.Selvajothi
Party-in-Person

For R1 to R3 : Mr.E.C.Ramesh
Standing Counsel

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed for a direction to the respondents 1 to 3 to take necessary action for demolition of the unauthorized portion of the first floor that encroaches upon the 20 ft. setback area; removal of the unauthorized shed constructed by respondent no.4 in the vacant land behind the building situated at Door No.52, Madhavaram High Road, Perambur, Chennai-600 011 to ensure that the entire building is brought into compliance with the approved building plan without selective enforcement so as to enable the petitioner to carry out



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modifications in the ground floor portion to bring the building into conformity as per the approved plan.

2. Mr.E.C.Ramesh, learned Standing Counsel takes notice for R1 to R3. Notice to R4 is dispensed with, as no adverse order is going to be passed against him. 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 as per the order of this Court dated 04.08.2021, the petitioner has already demolished the second floor, whereas the structure put up by the 4th respondent in the 1st floor portion has not been demolished and the Municipal Authorities have not taken any steps against 4th respondent to ensure demolition of the violated portion. Though she has given a letter dated 25.02.2025 to the 2nd respondent for taking action for demolition of the unauthorized portion of the first floor that encroaches upon the 20 ft. setback area, it did not evoke any response. Hence, the petitioner is before this Court.



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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 2nd respondent is directed to consider the representation of the petitioner.

5. Learned Standing Counsel for the respondents 1 to 3 stated that a reasonable time may be granted to the 2nd 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 2nd respondent to consider the representation of the petitioner dated 25.02.2025. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the 2nd respondent to consider the representation dated 25.02.2025 of the petitioner, by giving an opportunity of personal hearing to the petitioner and R4 and thereafter, pass necessary orders. Such an exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.



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

WEB COPY No costs.

(J.N.B,J.,) (M.J.R,J.,)
27.06.2025

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

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Chennai-600 012.
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