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WP.No.23734 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.23734 of 2025

L.Deenadayalan

S/o Late K.Loganathan

...Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
2. The Zonal Officer,
Zone XV, Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
Nedunchezian Salai,
Sholinganallur,
Chennai - 600 119.
3. The Assistant Executive Engineer,
No.120, Rajiv Gandhi Salai,
Nedunchezian Salai,
Sholinganallur,
Chennai - 600 119.
4. The Junior Engineer,
No.120, Rajiv Gandhi Salai,
Nedunchezian Salai,
Sholinganallur,
Chennai - 600 119.
5. L.Sambath,
S/o Late K.Loganathan,



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residing at No.3/29, Pillaiyar Koil street,
Neelankarai,
Chennai - 600 041.

...Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the respondents to consider the petitioner's written representation dated 03.03.2025 and initiate appropriate legal action against the unauthorized new construction carried out by the 5th respondent at the 2nd floor in the property bearing Door No.3/29, Pillaiyar Koil Street, Neelankarai Village, Sholinganallur Taluk, consisting of Ground floor land 1st floor, in admeasuring about 6 cents (585 sq.m) comprised in Survey no.63/27 and bearing Patta No.108, lying withint sub-Registration District of Neelankarai and Registration District of South Chennai, presently Chengalpattu District, previously Kancheepuram District within the period fixed by this Court.

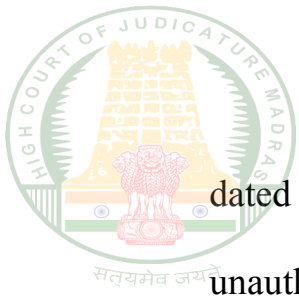
For Petitioner : Mr.M.Ganesan

For Respondents : Mr.S.Gopinath
Standing Counsel for Corporation
for R1 to R3

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to consider the petitioner's written representation



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dated 03.03.2025 and initiate appropriate legal action against the unauthorized new construction carried out by the 5th respondent at the 2nd floor in the property bearing Door No.3/29, Pillaiyar Koil Street, Neelankarai Village, Sholinganallur Taluk, consisting of Ground floor and 1st floor, admeasuring about 6 cents (585 sq.m) comprised in Survey No.63/27 and bearing Patta No.108, lying within Sub-Registration District of Neelankarai and Registration District of South Chennai, presently Chengalpattu District, previously Kancheepuram District within the period fixed by this Court.

2. (i) The case of the petitioner is that when the petitioner's father was alive, he decided to execute a settlement deed in favour of his elder son viz., 5th respondent, L.Sambath in respect of Schedule B property and accordingly, executed the same on 15.03.2007. After noticing the discrepancy in the settlement deed, the petitioner's father K.Loganathan cancelled the document executed in favour of L.Sambath and thereafter registered two settlement deeds under Document Nos.75/2008 and 76/2008 in the office of SRO, Neelankarai.

(ii) The 5th respondent aggrieved by such execution of settlement deed by his father, approached the Civil Court by filing O.S.No.366 of 2010. The petitioner also filed a suit in O.S.No.268 of 2011 on the file of District Munsif Court at Alandur. After contest, the cancellation of



settlement deed by K.Loganathan was declared as invalid and in the meanwhile, K.Loganathan died. The petitioner is pursuing the matter by filing an appeal in A.S.No.184/2021 and A.S.No.18/2024 in the Subordinate Court at Alandur.

(iii) Schedule-A of the suit property originally consisted of superstructures comprising a ground floor and a first floor. However, the 5th respondent dumped construction materials near Schedule-A property and attempted to carry out construction above in the existing first floor. The construction undertaken by the 5th respondent is in complete violation of the provisions of Tamil Nadu Town and country Planning Act, 1971.

(iv) The new construction carried out by the 5th respondent in the 2nd floor of the existing old building is absolutely danger to the habitants as the building can collapse at any point of time. Though the petitioner has sent a written representation dated 03.03.2025, no action was taken by the respondents 1 to 4 so far. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner, the learned Standing counsel appearing for the respondent Corporation and perused the materials available on record.

4. On perusal of the records and on considering the submissions made by the learned counsel for the petitioner, we direct the 2nd



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respondent to consider the representation of the petitioner dated 03.03.2025 by giving opportunity of personal hearing to the petitioner as well as the 5th respondent and thereafter, take action in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

[J.N.B.,J.] [M.J.R.,J.]
01.07.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No

To

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Chennai - 600 003.
2. The Zonal Officer,
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Vsi

4. The Junior Engineer,
No.120, Rajiv Gandhi Salai,
Nedunchezian Salai,
Sholinganallur,
Chennai - 600 119.

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