



WEB COPY

WP No. 24233 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

CORAM

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

**WP No. 24233 of 2025 and
WMP Nos.27283 and 27287 of 2025**

1. C.Mohan Raj
S/o. Late Chellaperumal, No.13, Rajaji
Nagar, 6th Cross Street, Rajakilpakkam,
Chennai--600 073.

Petitioner(s)

Vs

1. The Member Secretary
Chennai Metropolitan Development
Authority, Thala Muthu Natarajar
Maligai, Egmore, Chennai-600 008.

2.The Commissioner
Tambaram City Municipality
Corporation, No.28, Muthurangam
Street, Tambaram West, Chennai-600
045.

3.C. Divya,
D/o Late Chellaperumal, No.7,
Kannagi Street, Kabilar Nagar,
Manavala Nagar, Thiruvallur-602 002.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India



seeking Certiorari to call for records in Notice No.14/Mandalam -5/2025 dated 06.06.2025 on the file of the second respondent and quash the same.

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For Petitioner(s): V. Chandrakanthan

For Respondent(s): Mr. Akhil Akbar Ali,
Standing Counsel for R1.

Mr.P.Srinivas,
Standing Counsel For R2

M/s.P.Subba Reddy, For R3

ORDER

(Order of the Court was made by J.Nisha Banu J.)

This writ petition has been filed to quash the impugned Notice No.14/Mandalam 5/2025 dated 06.06.2025 issued by the second respondent.

2. It is the case of the petitioner that the property in Plot No.39/2, Agaram Main Road, Selaiyur, Tambaram, Chennai 600 073 measuring to an extent of 7 cents was purchased by his father, vide sale deed dated 10.06.1997. Upon demise of petitioner's parents, the subject property was partitioned equally among their legal heirs, namely, petitioner, his brother and two sisters.

2.1. According to the petitioner, apart from the subject property, there are two other properties that also belonged to their father, in which, all the legal heirs are entitled to equal rights. However, the sisters of the petitioner alone have been collected rent from those properties.

2.2. In the subject property, the petitioner and his brother had constructed



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a temporary sheds consisting 8 shops, for which the third respondent did not raise any objections. Subsequently, on 12.09.2023, 3rd respondent claimed rental share from those shops. The petitioner and his brother have no other income and they had made a small temporary shed, without encroaching either public land or adjacent properties. But, all of a sudden, the third respondent preferred a false complaint on 14.10.2024 before the CMDA alleging that the petitioner had put up illegal construction. Further, she filed W.P.No.2840 of 2025 seeking direction to the official concerned to dispose of her representation dated 14.10.2024. This court, by order dated 05.03.2025, directed the 2nd respondent to proceed with the matter and conclude the same as expeditiously as possible.

2.3. In such circumstances, without giving any opportunity of hearing, the 2nd respondent has sent a impugned notice, calling upon the petitioner to remove the temporary sheds. According to the petitioner, the above said sheds have been put up, without any encroachment and it cause no hindrance and danger to the public or neighbours. Hence this writ petition.

3. The 2nd respondent, filed a report stating as follows:

On inspection, it was found that the structures have been constructed as shops with steel supports and sheet roofing and walls and have been used as

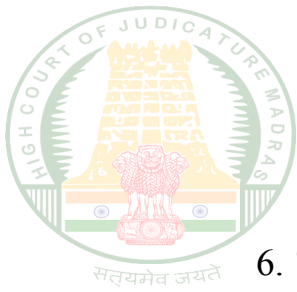


shops. The petitioner was issued Form-I notice for production of plans for construction of such structures. In response to the same, the petitioner gave a reply dated 16.04.2025 stating that the structures were not RCC structures and he does not know that permission should be obtained for the said structures also.

3.1. There is no distinction between the nature of structure either RCC or steel or metal (Section 2(2) of TN Urban Local Bodies Act as well as the Tamil Nadu Combined Development and Building Rules, 2019). Any structure of any materials of nature is a building and for any such structure, building permission has to be obtained. The petitioner submitted that he will apply for permission for such structures, however, he has not done so far. Hence, the impugned notice under Form-II was issued and there is no illegality in the action taken by the respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

5. A perusal of the impugned show cause notice reveals that it was issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act in relation to the unauthorised construction of shops put up by the petitioner on the subject property and directing him to restore the property to its original condition.



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6. The petitioner himself admitted in the affidavit that he along with his brother had constructed a temporary sheds, consisting 8 shops in the subject property. Even though the petitioner contended that the said structure is only a temporary shed and it does not cause any hindrance or hardship to others, in response to said impugned show cause notice, the petitioner has to submit a proper reply. Therefore, at this juncture, this court is not inclined to entertain the writ petition.

7. Accordingly, this writ petition is dismissed . There shall be no order as to costs. Connected miscellaneous petitions are closed.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)
01-08-2025

Index:Yes/No

Internet:Yes

Neutral Citation:Yes/No

MST

To

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