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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

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

WP No.25791 of 2025

Jeshurun Christdoss

Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority
(CMDA), No.1, Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.

2.G.Dhansekar

Respondents

PRAYER Writ petition filed under Article 226 of Constitution of India to issue writ of mandamus, directing the 1st respondent to remove the unauthorised construction situated at No.128A, G.A. Road, Old Washermanpet, 2nd Floor, comprised in R.S.No.2990/23 Part, (Old R.S.No.2990/23 part) C.A.No.931/83 measuring 8944 Sq.ft. by considering the petitioner's representation dated 03.04.2025.

For Petitioner: Mr.S.Ashwini Sankar

For Respondents: Mr.Akhil Akbar Ali
Standing Counsel for R1

**ORDER**

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

This writ petition has been filed seeking a Writ of Mandamus directing the 1st respondent to remove the unauthorised construction situated at No.128A, G.A. Road, Old Washermanpet, 2nd Floor, comprised in R.S.No.2990/23 Part, (Old R.S.No.2990/23 part) C.A.No.931/83 measuring 8944 Sq.ft. by considering the petitioners representation dated 03.04.2025.

2. It is the case of the petitioner that his father late G.Anandaraj is the owner of the property situated at No.128A, G.A. Road, Old Washermenpet, Chennai-21 bearing R.S.No.2990/23 part, known as Maragatham Maligai. The said property was originally purchased by the petitioner's grandfather, who constructed a marriage hall in the above mentioned property. Thereafter there were subdivision of property among the petitioner's father and his paternal uncles. The petitioner's father died on 06.01.2015, leaving behind the petitioner, his mother and brothers as the legal heirs. According to the petitioner, the above mentioned property was partitioned vertically among the petitioner's father and his uncles namely G.Rajasekaran, G.Anandaraj and G.Dhanasekaran, based on the partition deed dated 07.06.2007. However, to his shock and surprise, the petitioner's uncle Mr.G.Dhanasekaran has

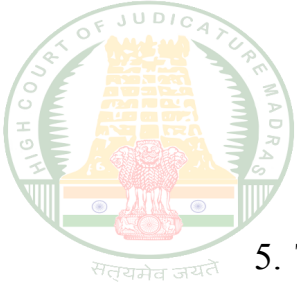


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constructed a superstructure unauthorisedly in the second floor, encroaching and occupying the petitioner's share of property and the other share of petitioner's uncle Mr.G.Rajasekaran. In this regard, the petitioner has sent a representation to the respondent dated 03.04.2025 to remove the unauthorised construction, but it did not evoke any kind of response from the authority / 1st respondent and therefore, the petitioner is constrained to file the present writ petition.

3. Heard Mr.Akil Akbar Ali, learned Standing Counsel who takes notice for the first respondent.

4. Considering the limited scope of prayer, without expressing any opinion on merits, we are inclined to dispose of the writ petition by directing the 1st respondent to consider the representation of the petitioner dated 03.04.2025 and to take enforcement action, if the construction is unauthorised, after affording opportunity of personal hearing to the petitioner as well as the 2nd respondent and other interested parties, in accordance with law, within a period of twelve weeks from the date of receipt of copy of the order.



5. This Writ Petition stands disposed of accordingly. There shall be no order as to costs.

(J.NISHA BANU J.)

(M.JOTHIRAMAN J.)

16-07-2025

mst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Member Secretary,
Chennai Metropolitan Development Authority
(CMDA), No.1, Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.



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J.NISHA BANU, J.
AND
M.JOHIRAMAN, J.

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