



WEB COPY

WP No. 24430 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07-07-2025**

CORAM

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

**W.P. No. 24430 of 2025  
and W.M.P.No.27511 of 2025**

1. M.Ravisankar  
S/o.Muniyappan, Flat F4, 1st Floor,  
Sree Lakshmi Residency, Plot No.4,5  
And 6, 4th Main Road, IOB Colony,  
Selaiyur, Chennai-600 073

Petitioner(s)

Vs

1. Chennai Metropolitan Development  
Authority  
Rep By Its Member Secretary,  
Thalamuthu Natarajan Building, No.1,  
Gandhi Irwin Road, Egmore,  
Chennai-600 008

2.The Commissioner  
Tambaram City Municipal Corporation,  
No.28, Muthurenga Mudali Street,  
West Tambaram, Chennai-600 045



3.R.Thirunavukkarasu

S/o.K.Ramasamy, Managing Partner

Of Sree Lakshmi Constructions, No.8a,

Thiruppathi Nagar, Kishkintha Main

Road, Varatharajapuram,

Chennai-600 132

4.T.Selvam

W/o.Thirunavukkarasu, No.8A,

Thiruppathi Nagar, Kishkintha Main

Road, Varatharajapuram,

Chennai-600 132

Respondent(s)

### **PRAYER**

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to demolish the illegal construction and also dismantle the tenements put in the common open terrace area put up by the 3rd and 4th respondents and restore the property to its original condition in Sree Lakshmi Residency Plot No.4,5 and 6, 4th Main Road, IOB colony, Selaiyur, chennai-600 073 on the basis of the communication issued by the 1st respondent in Letter No.EC/S-1/13432024 dated 06.05.2025.

For Petitioner(s): Mr. C.Rajakumar

For Respondent(s): Mr. Akhil Akbar Ali  
Standing Counsel For R1  
Mr.D.B.R.Prabhu  
Standing Counsel For R2

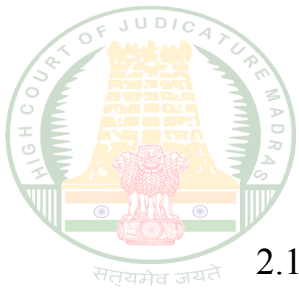
**ORDER**

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**(Order of the Court was made by J.NISHA BANU J.)**

The present Writ Petition has been filed seeking issuance of a Writ of Mandamus directing respondent No.2 to demolish the illegal constriction put up in the common open terrace area by respondent Nos.3 and 4 and restore the property to its original condition on the basis of the communication issued by respondent No.1 in Letter No.EC/S-1/1343/2024, dated 06.05.2025.

2. It is the case of the petitioner that the petitioner purchased Flat F4 in 1<sup>st</sup> Floor of the Sree Lakshmi Residency Apartment to an extent of 1,070 sq.ft of plinth area and 550 sq.ft of UDS, located at 4<sup>th</sup> Main Road, IOB Colony, Camp Road, Selaiyur, Tambaram, Chennai, from one R.Thirunavukkarasu/3<sup>rd</sup> respondent and the same has been registered vide Document No.10531/2006, dated 29.11.2006. The total extent of the land is 7,274 ½ sq.ft of which, 6,251 sq.ft of undivided share was sold to 13 flat purchasers. The 3<sup>rd</sup> respondent retained 1,023.5 sq.ft of UDS and 652 sq.ft of plinth area, as his share and he settled them in favour of his wife/4<sup>th</sup> respondent. In these circumstances, the 3<sup>rd</sup> and 4<sup>th</sup> respondents are alleged to have misused the space, which was earmarked to be provided to the flats on the 1<sup>st</sup> floor, by illegally partitioning a portion of it converting it into four commercial shops.



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2.1. It is further case of the petitioner that, apart from the above deviation from the original plan, the developers/ respondent Nos.3 and 4, in violation of municipal rules, regulations and approved building plan, have carried out other unauthorized construction activities, namely, construction of a staircase encroaching into the 60 feet main road and obstructing the movement of residents in the common passage, construction of dog kennel and bathrooms with a water tank on the common terrace and RCC constructions and tenements on the terrace space of the building without any approval. This illegal structure has not only violated the rights of the residents over the undivided common utility areas but, has also caused severe disruption to the peaceful use of the terrace.

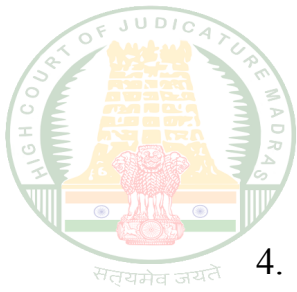
2.2. It is the further case of the petitioner that challenging the said unauthorized construction, the petitioner filed a suit in O.S.No.177 of 2024 before the District Munsit Court, Tambaram, seeking for a permanent injunction and the same is pending. As a counter-blast, the 4<sup>th</sup> respondent also filed a suit against the petitioner and all other apartment owners, in O.S.No.4 of 2025 before the District Munsit Court, Tambaram, seeking for permanent injunction restraining the defendants therein from interfering peaceful possession and enjoyment of the 4-shops in the 1<sup>st</sup> floor i.e. suit properties and the same is also pending.



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2.3. In this circumstance, the residents/ flat owners have made various representations on 06.05.2024, 12.11.2024 and 13.11.2024 through email to the second respondent. Following the said complaints, the Town Planning Engineer has visited the premises on 16.11.2024 and surveyed the entire building and informed that serious violations have been made by the developers. That apart, the first respondent, in its letter dated 06.05.2025, has categorically stated that no planning permission was issued to the developers to the disputed site and directed the second respondent to take necessary enforcement action against the disputed construction. Pursuant to the said letter, the petitioner sent a representation dated 18.05.2025 to respondent Nos.1 and 2 seeking to demolish the said unauthorized construction. However, till date, no action has been taken by the official respondents. Challenging the same, the petitioner is constrained to move the present Writ Petition.

3. Heard the learned counsel appeared for the petitioner, Mr. Akhil Akbar Ali, learned Standing Counsel appearing for respondent No.1, Mr.D.B.R.Prabhu, learned Standing Counsel appearing for respondent No.2 and perused the materials placed before this Court.



4. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel appearing on either side, we direct respondent Nos.1 and 2, to take appropriate action strictly in accordance with law, if the building, in question, is found to be not in accordance with the approved building plan, after issuing notice to the petitioner, respondent No.3 and 4 and other interested parties, and also affording them an opportunity of personal hearing. Such exercise shall be completed by the official respondents within a period of twelve (12) weeks from the date of receipt of a copy of this order.

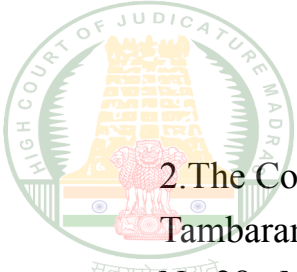
5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**(J.NISHA BANU J.) (M.JOTHIRAMAN J.)**  
**07-07-2025**

ASI

To

1. The Member Secretary,  
Chennai Metropolitan Development  
Authority  
Thalamuthu Natarajan Building,  
No.1, Gandhi Irwin Road, Egmore,  
Chennai-600 008.



2.The Commissioner

Tambaram City Municipal Corporation,  
No.28, Muthurenga Mudali Street,  
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3.R.Thirunavukkarasu

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