



W.P.No.24580 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.24580 of 2025
and WMP.Nos.27681, 27683 & 27684 of 2025

1. R. Sathyan
2. B. Rajakokila

... Petitioners

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natrajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. The Commissioner,
The Greater Chennai Corporation
Rippon Building,
Poonamallee High Road,
Chennai 600 003.
3. The Commissioner,
Kattankulathur PU
Kattankulathur – 603 203.
4. The Special Officer,
Nedungundram Municipality
Nedungundram.
5. V.Manibharati



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6. M. Maheswaran

... Respondents

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PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus to direct the respondents 1 to 3, their men, agents and servants to immediately initiate appropriate action in accordance with the proceedings of the 1st respondent dated 27.03.2025 bearing reference letter No.ECS/S-1/649/2025 and letter of the 3rd respondent dated Nil.02.2025 bearing reference No.0152/2025/A4 to remove any and all unauthorised and illegal construction put up by the 5th and 6th respondents at No.B40, 3rd main road, Kolapakkam TVS Emerald Green Acres, Chennai and restore the building to its original nature.

For Petitioners : Mr.Raghul Balaji

For Respondents : Mr.R.Thamaraiselvan
Standing Counsel for R1
Mr.D.B.R.Prabhu
Standing Counsel for R2
Dr.T.Seenivasan
Spl. Government Pleader for R3 & R4

ORDER

This writ petition is filed for a Writ of Mandamus to direct the respondents 1 to 3, their men, agents and servants to immediately initiate appropriate action in accordance with the proceedings of the 1st respondent dated 27.03.2025, and letter of the 3rd respondent dated Nil.02.2025 for removal of any and all unauthorised and illegal construction put up by the 5th



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and 6th respondents at No.B40, 3rd main road, Kolapakkam TVS Emerald Green Acres, Chennai, and restore the building to its original nature.

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2. With the consent of both side counsels the main writ petition is taken up for disposal.

3. The subject property is situated within the larger extent of layout in S.Nos.38/1A1, 50/1A1A, 1A1B, 1A2, 1A3, 54/1A2 and 1B of Kolapakkam village, Chengalpattu Taluk, Kancheepuram district, Kattankalathur Panchayat Union district. The said layout was promoted and sold as plots to the general public. The petitioners are the joint owner of the land measuring 1412 sq.ft and a building thereon at No.C41, Plot No.2, 3rd main road, TVS Emerald Green Acres, Phase IV, Koalapakam, Chennai 600 127 having purchased the same under a sale deed dated 26.12.2020. The 5th and 6th respondents also have jointly purchased the land measuring 1213 sq.ft and a building at Plot No.3, Door No.840, TVS Emerald Green Acres Phase-IV, 3rd main road, Kolappakkam, Chennai 602 025, from the promoter under sale deed dated 25.06.2021. The petitioner states that the plots bearing C41 and B40 are adjacent to each other and the petitioners herein have constructed their villa



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strictly in accordance with the building plan as approved by the authorities.

Thereafter the petitioners shifted their residence and let out the subject premises to tenants. While so, the 5th and 6th respondents made some unauthorised constructions in complete deviation from the approved plan granted by the respondents 1 to 4. However, the respondents 1 to 3 failed to take note of the deviations and violations of the provisions of the Tamil Nadu Town and Country Planning Act, 1974 and the Chennai City Municipal Corporation Act, 1919, as well as the rules and regulations framed thereunder. The respondents 1 to 3 being the statutory authorities, failed to discharge their statutory duties by not initiating timely and appropriate action against the unauthorised construction put up by the 5th and 6th respondents, despite the repeated representations made by the petitioners for initiation of action against the unauthorised constructions. Hence the petitioners' filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that, the third respondent on 28.02.2025, issued notice to the respondents 5 & 6 to stop work. Thereafter, based on the petitioner's letter dated 24.01.2025, on 27.03.2025, the first respondent directed the third respondent to examine the veracity of the



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petitioners representation and to take necessary action. Despite the aforesaid proceedings of the first respondent, the third respondent did not take any action and therefore, the learned counsel prayed for appropriate directions to the 3rd respondent to initiate action against the unauthorised construction put up by the 5th & 6th respondents.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the third respondent in his proceedings dated 28.02.2025 directed the 5th & 6th respondents, to immediately stop the work which was carried on in violation of planning permit. The 1st respondent in his proceedings dated 27.03.2025, directed the 3rd respondent to examine the veracity of the petitioners representation and to take appropriate action. Till date, the 3rd respondent has not initiated any action and therefore I am inclined to direct the third respondent to take appropriate action in accordance with law, pursuant to the notice dated 28.02.2025 and proceedings of the 1st respondent dated 27.03.2025 within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are also closed.

07.07.2025

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Index : Yes /No

Speaking Order : Yes/No

N. MALA, J.

dpq

To

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