



WEB COPY

WP No. 23806 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP Nos. 23806 & 23773 of 2024

and

WMP.Nos.26056, 26057, 26015 & 26017 of 2024

1. Dr.Pudupet Subramanian

Krishnamoorthy

S/o.P.Subramanian, New No.36, Old

No.213, Nethaji Road, Manjakuppam,

Cuddalore-607 001.

...Petitioner in W.P.No.23806 of 2024

1.Indu Nair

W/o.Mr.Anil Narendran

flat bearing No.3A, 3rd Floor,

Jai Mata Apartments,

New No.11, Old No.5, Sterling Road,

2nd Cross street, Nungambakkam,

Chennai – 600 034.

...Petitioner in W.P.No.23773 of 2024

Vs

1. Member Secretary

Chennai Metropolitan Development Authority,



No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

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2.The Commissioner
Greater Chennai Corporation,
Periamet, Chennai-600 003.

3.Glory Hemabindu
Flat No.3B, Daffodil Court,
Old No.29, New No.73,
Opp.To Hamsa Hotel,
Gandhi Nagar 4th Main Rod,
Adyar, Chennai-600 020

4.Deepak Bhatia
S/o.Premchand Bhatia,
4th Floor, Kothi Apartments,
Old No.46, New No.1/1,
College Road, Nungambakkam,
Chennai-600 006.

5.Prakash Bhatia
S/o.Premchand Bhatia,
4th Floor, Kothi Apartments,
Old No.46, New No.1/1,
College Road, Nungambakkam,
Chennai-600 006.

6.Usha Sharma
Akshaya Apartments,
No.16/4 Karunanithi 3rd Street,
Kotturpuram, Chennai-600 085

7.Sharda Sharma
W/o.B.L.Sharma,
Flat No.2b, Jai Mata Apartments,



New No.11, Old No.5, Sterling Road,
2nd Cross Street, Nungambakkam,
Chennai-600 034.

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Respondents in both WPs

COMMON PRAYER

Directing the 1st and 2nd respondents to initiate and take appropriate action including demolition and removal of all illegal construction which is in violation of the sanctioned plan dated 10.04.1989 issued by the property having address at Jai Mata Apartments, New No.11 Old No.5, Sterling Road, 2nd cross Street, Nungambakkam, Chennai-34.

In Both Writ Petitions

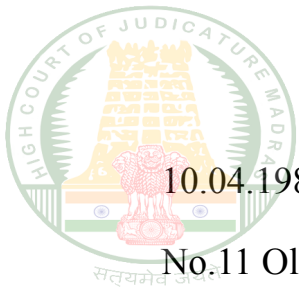
For Petitioner(s): Ms.Anbarasi Rajendran
for M/s.AAV Partners

For Respondent(s): Mr.R.Thamaraiselvan,
Standing Counsel for CMDA For R1
Mr.D.B.R.Prabhu
Standing Counsel for GCC for R2
Mr.K.S.Vishwanathan, Senior Counsel
for Mr.G.M.Anantha Kumar for R3
R5- Not ready in notice
Mr.D.S.Rajasekaran for R6
Mr.B.Srinivasan for R7

COMMON ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Writ of Mandamus has been instituted directing the respondents 1 and 2 to initiate and take appropriate action including demolition and removal of all illegal construction, which is in violation of the sanctioned plan dated



10.04.1989 issued by the property having address at Jai Mata Apartments, New No.11 Old No.5, Sterling Road, 2nd cross Street, Nungambakkam, Chennai-34.

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2. With reference to the grievances raised by the petitioners, a notice for compliance of planning permission in respect of unauthorized development was issued in Form 4 by the Member Secretary, Chennai Metropolitan Development Authority, on January 23, 2025. During a field inspection, the authorities found that a portion of the building was unauthorized, and enforcement action has already commenced.

3. Mr.Vishwanathan, learned Senior Counsel appearing on behalf of the 3rd respondent would submit that a Revision Petition filed before the Government is pending.

4. Mere pendency of the Revision Petition is not a bar for the Chennai Metropolitan Development Authority to proceed with the enforcement action. Further proposal has been submitted, stating that the owners may take a decision to demolish the entire building and reconstruct. It is for the owners/occupiers to take a decision. As far as unauthorised construction are concerned, the authorities have already initiated enforcement action, which is to be continued by following the procedures as contemplated under the Town and Country Planning Act. The enforcement actions initiated are directed to be completed within a period of three months from the date of receipt of a copy of



this order.

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5. With the above direction, the Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

6. Registry is directed to post the matters after three months under the caption 'For Reporting Compliance'.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

25-03-2025

GD

Index: Yes/No

Speaking/Non-speaking order

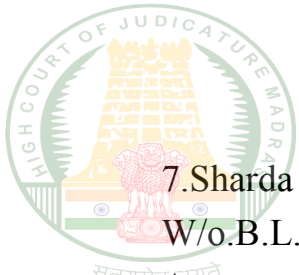
Internet: Yes

Neutral Citation: Yes/No



To
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Chennai Metropolitan Development
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6. Usha Sharma
Akshaya Apartments, No.16/4
Karunanithi 3rd Street, Kotturpuram,
Chennai-600 085



WP No. 23806 of 2024



7.Sharda Sharma

W/o.B.L.Sharma, Flat No.2b, Jai Mata
Apartments, New No.11, Old No.5,
Sterling Road, 2nd Cross Street,
Nungambakkam, Chennai-600 034.

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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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