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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**WP No. 23866 of 2023 and
WMP No. 23377 of 2023**

Mrs. Shanti Folie

Petitioner(s)

Vs

1. Government of Tamil Nadu
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 09.

2.Chennai Metropolitan Development Authority,
Rep. By Its Member Secretary,
No.1, Gandhi Irwin Road, Egmore,
Chennai 08.

3.Mr. Naveen Kumar

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 2nd respondent to consider and pass orders on petitioner's representation dated 26.08.2016 and 27.07.2023 to demolish the unauthorized portion more particularly ground floor and 4th and 5th floor put up by the 3rd respondent at New No.23 old No.10 Damodaramurthy Road Kilpauk, Chennai 600010, so as to bring the above said building in conformity to the approved plan accorded vide PPA No. 5247 dated



09.10.2009 and in compliance of the direction issued in W.P. No. 21058 of 2016 dated 21.06.2016 expeditiously in accordance with law.

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For Petitioner(s): Mr.D.S.Rajasekaran

For Respondent(s): Mr.G.Ameedius
Government Advocate for R1
Ms.P.Veena Suresh for R2
Mr.N.Shivasankar for R3

ORDER

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

This writ petition has been filed to issue a writ of mandamus directing the second respondent to consider and pass orders on the petitioner's representations dated 26.08.2016 and 27.07.2023, to demolish the unauthorized portions, more particularly, ground floor, 4th and 5th floor put up by the third respondent at New No.23, Old No.10, Damodaramurthy Road, Kilpauk, Chennai 600010, so as to bring the abovesaid building in conformity to the approved plan accorded vide PPA No.5247, dated 09.10.2009 and in compliance of the direction issued in W.P.No.21058 of 2016, dated 21.06.2016, expeditiously in accordance with law.

2. It is the case of the petitioner that she is the owner of the property bearing Old No.10, New No.23, Damodaramurthy Road, Kilpauk, Chennai

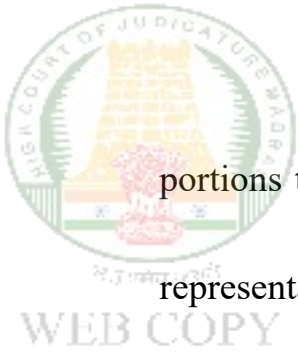


600010. To develop the said property, she entered into a Joint Development Agreement and executed a Power of Attorney in favour of the third respondent.

The second respondent granted planning approval for the construction of stilt + 3 floors. However, during the petitioner's absence from India, the third respondent deviated from the approved plan and constructed ground + 5 floors, consequently, the second respondent sealed the premises due to the deviation.

Subsequently, the third respondent filed W.P.No.24811 of 2014 before this Court seeking de-sealing of the premises, which was allowed on 24.09.2014, granting four months' time to rectify the deviations. But, the third respondent failed to comply with the abovesaid order and continued to use the deviated portions.

The petitioner had given representations to the second respondent seeking enforcement of the order of this Court and rectification of deviations. Despite paying Rs.6,000/- as directed and the building being de-sealed temporarily for rectification, the third respondent again interfered and prevented the petitioner from carrying out the works. Thereafter, a complaint was made to the Commissioner of Police on 04.08.2023, but no effective action was taken and the third respondent is allegedly attempting to dispose off the unauthorized



portions to the third parties. As the second respondent has not considered her representations and taken any action till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned counsels appearing for the respondents.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the



affidavit filed in support of this Writ Petition, directs the second respondent to consider the petitioner's representations dated 26.08.2016 and 27.07.2023, in respect of the demolition of the unauthorized portions, so as to bring the abovesaid building in conformity to the approved plan accorded vide PPA No.5247, dated 09.10.2009 and in compliance of the direction issued in W.P.No.21058 of 2016, dated 21.06.2016, expeditiously in accordance with law, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V., J]
06-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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M.S.RAMESH J.
AND
R.SAKTHIVEL J.

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To

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