



WEB COPY



W.P.No.25468 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

C O R A M

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

W.P.No.25468 of 2025

Vishwanathan

... Petitioner

-VS-

1. Greater Chennai Corporation,
Rep. by its Commissioner,
Rippon Building, Chennai.

2. The Zonal Officer,
Zone-5, Greater Chennai Corporation,
Chennai.

3. The Executive Engineer,
Zone-05, Greater Chennai Corporation,
Chennai.

4. C.Sathyanarayanan,

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to demolish the unauthorized construction put up by the 4th respondent in the property at D.No.68 (Old No.108), Varadha Muthaiappan Street, George Town, Chennai-600 001.

For Petitioner : Mr.K.T.Devendran
For R1 to R3 : Mr.S.Gopinath
Standing Counsel



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ORDER

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(By J.Nisha Banu,J.)

This Writ Petition has been filed for a direction to the respondents 1 to 3 to demolish the unauthorized construction put up by the 4th respondent in the property at D.No.68 (Old No.108), Varadha Muthaiappan Street, George Town, Chennai.

2. Mr.S.Gopinath, learned Standing Counsel takes notice for R1 to R3. Notice to R4 is dispensed with, as no adverse order is going to be passed against him. By consent, the Writ Petition itself is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that after the death of the parents of the petitioner, the property of his parents was in joint possession and enjoyment of the legal heirs and there was a partition suit filed by the petitioner and his two brothers against 4th respondent in O.S.No.4823 of 2020 before the II Additional City Civil Court, Chennai and the common property was divided into 13 shares and separate patta was also obtained by the co-owners in their individual names. It is further case of the petitioner



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that during pendency of the suit, the 4th respondent constructed a building in the common property by encroaching upon the common passage, thereby blocking the ingress and egress of other co-owners' properties. The petitioner previously submitted a representation dated 04.11.2020 to the respondents 1 to 3, pursuant to which, a demolition notice was issued by the respondents 2 and 3 for non production of approved plan and thereafter, there was no steps taken by them. Again, the petitioner submitted a detailed representation dated 12.05.2025 to act immediately to demolish the building constructed by the 4th respondent without planning permission. Since the 4th respondent is an influential person, enjoying political clout, the respondents 1 to 3 colluded with the 4th respondent and they are not taking any action against the 4th respondent. Having left with no other alternative remedy, the petitioner has filed the present writ petition.

4. Though the petitioner has come out with a larger prayer, the learned counsel for the petitioner would submit that it would suffice, if the respondents 1 to 3 are directed to consider the representation of the petitioner dated 12.05.2025.



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5. Learned Standing Counsel appearing for the respondents 1

to 3 stated that a reasonable time may be granted to the respondents 1 to 3 for considering and passing appropriate orders on the representation of the petitioner.

6. Considering the facts and circumstances of the case and also the submission of the counsel for the petitioner, we deem it fit that it would suffice to direct the respondents 1 to 3 to consider the representation of the petitioner dated 12.05.2025. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the respondents 1 to 3 to consider the representation dated 12.05.2025 of the petitioner, by giving an opportunity of personal hearing to the petitioner and R4 and thereafter, take necessary action in accordance with law. Such an exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.



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No costs.

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(J.N.B,J.,) (M.J.R,J.,)
11.07.2025

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai.
2. The Zonal Officer,
Zone-5, Greater Chennai Corporation,
Chennai.
3. The Executive Engineer,
Zone-05, Greater Chennai Corporation,
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J.NISHA BANU, J.

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