



WEB COPY



W.P.No.24760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.24760 of 2024

and

Writ Miscellaneous Petition No.27093 of 2024

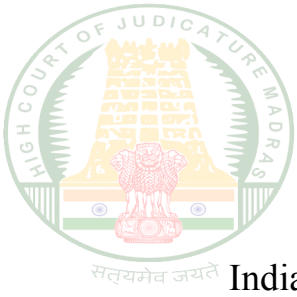
Gopakumar

... Petitioner

Vs.

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.
2. Executive Engineer, Zone-X,
Greater Chennai Corporation,
No.117, N.S.K. Salai,
Kodambakkam, Chennai – 600 024.
3. Assistant Executive Engineer,
Zone-X, Unit – 28, Greater Chennai Corporation,
No.117, N.S.K.Salai,
Kodambakkam, Chennai – 600 024.
4. Assistant Engineer, Division 138,
Unit – 28, Zone-X,
Greater Chennai Corporation,
No.117, N.S.K.Salai,
Kodambakkam, Chennai – 600 024.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent order in Letter No.6252946/UD6(3)/2023-2, dated 03.04.2024 and quash the same consequently forbearing the respondents 2 to 4 from taking coercive steps in respect of the premises bearing No.37, Bharathidasan Street, Jaffer Khanpet, Chennai – 600 083 till the expiry of 8 years from the date of sanction of the demolition and reconstruction plan dated 15.04.2021.

For Petitioner : Dr.C.Ravichandran

For R1 : Mr.M.Alagu Goutham
Government Advocate

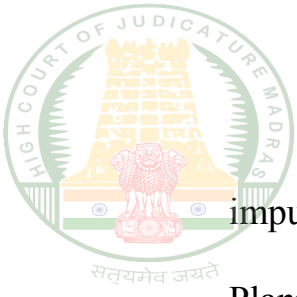
For R2 to R4 : Mr.A.Arun Babu
Senior Counsel for Greater Chennai Corporation

ORDER

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

The revisional order passed by the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 in proceeding dated 03.04.2024 is under challenge in the present writ proceedings.

2. After arguing the matter for a considerable length of time and when this Court found that there is no reason to interfere with the orders



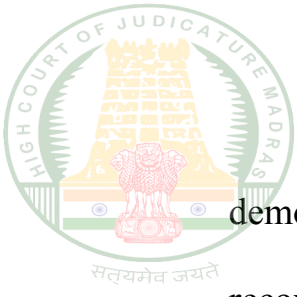
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impugned, passed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 the petitioner made a submission that he will demolish the unauthorized portion of the construction and restore the building as per the Building Plan Permission granted by the Competent Authorities. Accordingly, time was granted to the petitioner to file an affidavit.

3. When the matter is called today, the learned counsel for the petitioner Dr.C.Ravichandran, submitted the affidavit filed by the petitioner and paragraph No.3 of the sworn affidavit reads as under:

“3. I state that I undertake to demolish the unauthorized constructions in entirety in the property situated at No.37, Bharathidasan Street, Jaffer Khanpet, Chennai – 600 083, as per the demolition and reconstruction plan dated 15.04.2021 within a period of 4 months from the date of receipt of the order that may be passed by this Hon'ble Court in the above WP No.24760 of 2024. I also undertake to put up fresh constructions as per the sanctioned plan dated 15.04.2021.”

4. In view of the undertaking given by the petitioner in the sworn affidavit as stated above, the petitioner is directed to demolish the building within a period of four (4) months, failing which, the respondents shall



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demolish the building thereafter, within a period of one (1) month and recover the cost of demolition from the petitioner.

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5. With the above direction, the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition also stands closed.

(S.M.S., J.)

(K.R.S., J.)

18.02.2025

ssi

Index: Yes

Speaking Order: Yes/No

Neutral Citation Case : Yes/No



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To

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