



WEB COPY



W.P.No.27853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.27853 of 2025

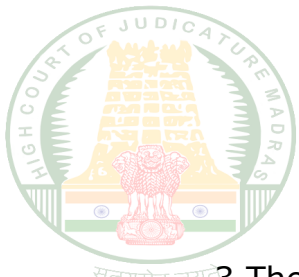
and W.M.P.Nos.31194 and 31195 of 2025

R.Natarajan
S/o.Ramalingam
by his Power of Attorney
V.Rajesh Kumar
S/o.C.J.Vijayakumar
No.7/3, 27th Street, Thillaiganga Nagar,
Nanganallur, Chennai-600 061

Petitioner

Vs

- 1.The Executive Engineer
Zone 14,
Greater Chennai Corporation,
No.6/64, Puzhithivakkam Main Road,
Puzhthikvakkam
Chennai 600 091.
- 2.The Assistant Executive Engineer
Unit 42, Greater Chennai Corporation,
No.6/64, Puzhithivakam Main Road,
Puzhthivakkam, Chennai 600 091.



W.P.No.27853 of 2025

WEB COPY

3.The Assistant Engineer
Division-188
Greater Chennai Corporation
Ambedkar Salai, Madipakkam,
Chennai 600 091.

4.The Vigilance Officer
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.

5.Nirmala Manoharan
W/o.Manoharan
Flat No.10A, 10th Floor,
No.248, Ambattur Redhills Road
Kallipakkam
Ambattur, Chennai-600 053

[Respondent No.5 impleaded vide order
dated 13.8.2025 made in WMP No.33542
of 2025]

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the respondents 1 to 4 relating to the lock and seal order/notice dated nil issued under Section 56 and 57 of the Town and Country Planning Act, 1971 and affixed on 25.06.2025 in the premises bearing Plot No. 187 (Eastern Portion), 8th street, Ram Nagar South Extension, Pallikaranai, Chennai 600 100, quash the notices.

For Petitioner: Mr.R.Asokan



WEB COPY



W.P.No.27853 of 2025

For Respondents:

Mr.D.B.R.Prabhu
Standing Counsel
for respondent Nos.1 to 4

Mr.M.P.John Peter
Saravanakumar
for respondent No.5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard.

2. After hearing learned counsel for all the parties, we are of the view that various litigations have been generated even though a civil suit is pending consideration.

3. It appears that, on the allegation of the petitioner having encroached certain parts of the land claimed by others, a civil suit has been filed by respondent No.5 and the said suit is pending consideration.

4. It also appears that during the pendency of the civil suit,

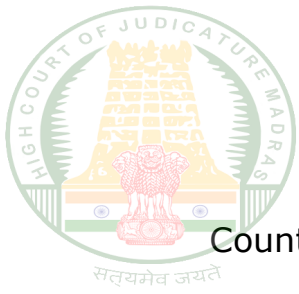


W.P.No.27853 of 2025

WEB COPY

respondent No.5 filed a writ petition, being W.P.No.32734 of 2023 [Nirmala Manoharan, rep. by her General Power of Attorney Agent Vijay Gideo Manohar v. The Commissioner, Greater Chennai Corporation, Rippon Buildings, Chennai-600 003 and others] before this Court seeking issuance of direction to the local authorities to take action against the alleged unauthorised/illegal construction of building by the present petitioner. That writ petition was disposed of by an order dated 12.01.2024. In that case, this Court has clearly observed that the petitioner therein may pursue her remedy before the civil court in accordance with law. It was further observed that, if there is any encroachment, recourse may be taken to appropriate remedy for recovery of possession in the pending suit.

5. It is also borne out that, later on, on the basis of the complaint made by respondent No.5, even the Corporation has also initiated proceedings and the premises were locked and sealed. Aggrieved by the issuance of lock and seal notice, the petitioner preferred a revision under Section 80-A of the Tamil Nadu Town and



W.P.No.27853 of 2025

Country Planning Act, 1971 before the Government, which eventually came to be disposed of, vide order dated 07.04.2025.

The revisional authority disposed of the revision petition with direction to the Corporation to pursue further action based on the outcome of the civil suit in old O.S.No.315 of 2016, which is transferred to the District Munsif-cum-Judicial Magistrate Court, Sholinganallur and re-numbered as new O.S.No.832 of 2024 and further directed the revision petitioner as well as the objector to get their remedy in respect of the dispute on the land of their respective property and building approval from the appropriate forum.

6. As there was no direction to remove the lock and seal, the Corporation authorities have continued with the lock and seal. The petitioner filed a petition under Section 90 of the Act before the State Government, which was also dismissed on 28.08.2025 and the order passed earlier on 07.04.2025 under Section 80-A of the Act has been confirmed.



W.P.No.27853 of 2025

7. The petitioner's grievance is that, even though the revisional authority clearly found and opined that further action could be pursued by the Corporation only after the decision in the civil suit, lock and seal still remains and has not been removed.

8. Learned counsel appearing for the Corporation would submit that even though the revisional authority passed an order in favour of the petitioner herein, it was only limited to the extent that further action could be taken by the Corporation only after the decision in the civil case and, by that time, the premises was already locked and sealed. As there is no direction to remove the lock and seal, the Corporation has not removed the lock and seal and the premises is continuing in the same condition of lock and seal in which it remained on the date of passing of the order in the revision.

9. Learned counsel for respondent No.5 would submit that the petitioner has encroached upon her land and he not only raised construction, but the construction is in deviation of building laws.



W.P.No.27853 of 2025

Therefore, independent of the remedy available to respondent No.5, she had filed W.P.No.32734 of 2023 before this Court seeking direction to the Corporation to take action against the petitioner herein on the allegation of illegal construction and the said writ petition was closed with liberty to the fifth respondent to prosecute the pending suit.

10. After hearing learned counsel for the parties, we find that the dispute is basically of civil nature, for which purpose respondent No.5 has already filed the civil suit. Once civil suit has been filed and the same remains pending without any final decision so far, we are of the view that any kind of complaint made by the petitioner and respondent No.5 against each other need not be looked into by the Corporation and it should only await the decision of the civil court. Depending upon the decree that may be passed in the civil suit, appropriate action, if necessary, may be initiated by the Corporation against the petitioner or respondent No.5, as the case may be.



W.P.No.27853 of 2025

WEB COPY

11. We do not find any reason or justification to continue the lock and seal on the premises in question till final decision is taken in the civil suit. This is more so as the building is being used for residential purposes.

12. At this stage, learned counsel for the petitioner, on instructions, furnishes a solemn undertaking to this Court that, till the civil suit is decided, the petitioner shall not make any alteration, changes in the existing construction, nor shall create any third party interest in respect of the property in dispute. The undertaking is placed on record.

13. Therefore, in these circumstances, we are inclined to direct the respondent Corporation to remove the lock and seal affixed on the premises in question forthwith and not to precipitate any action, but only await the decision in the civil suit, as already ordered by the revisional authority on 07.04.2025.

14. With the above direction, the writ petition is partly allowed



W.P.No.27853 of 2025

in the manner and to the extent stated above. There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
07.10.2025

Index : Yes/No
Neutral Citation : Yes/No
bbr
To:

- 1.The Executive Engineer
Zone 14,
Greater Chennai Corporation,
No.6/64, Puzhithivakkam Main Road,
Puzhthikvakkam
Chennai 600 091.
- 2.The Assistant Executive Engineer
Unit 42, Greater Chennai Corporation,
No.6/64, Puzhithivakam Main Road,
Puzhthivakkam, Chennai 600 091.
- 3.The Assistant Engineer
Division-188
Greater Chennai Corporation
Ambedkar Salai, Madipakkam,
Chennai 600 091.
- 4.The Vigilance Officer
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.



WEB COPY



W.P.No.27853 of 2025

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

bbr

W.P.No.27853 of 2025

07.10.2025