



W.P.No.33518 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.33518 of 2025

&

W.M.P.No.37662 of 2025

K.Muralikrishnan

..

Petitioner

Vs.

1. The Secretary to the Government of Tamilnadu
Housing and Urban Development Department
Fort St. George
Chennai-600009.
2. The Member Secretary
Chennai Metropolitan Development Authority
Egmore
Chennai-600008.
3. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai-600003.
4. The Executive Engineer
Greater Chennai Corporation
Zone-VI, No.158, Strahans Road
Pattalam, Chennai-600012.



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5. Nagavarthini

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the Respondents 1 to 4 to demolish the illegal and unauthorized constructions made by the fifth respondent in the property, namely, House, Ground and Premises at No.46, Lakshmi Nagar, 8th Street, Kolathur, Chennai-600099 and also called as Anna Street, Kannagi Nagar, Kolathur, Chennai-600099 and restore the land to its original position within the time limit to be stipulated by this Hon'ble Court.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader for R1

M/s. P.Veena Suresh
Standing Counsel for R2

Mr.A.Arun Babu
Standing Counsel for R3 & R4

Mr.B.Manoharan for R5

ORDER

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

Petitioner had to approach this Court again, despite the order passed by this Court on 30.10.2012 in W.P.No.29044 of 2012, on



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the allegation that no action has been taken against the fifth respondent even though the construction is illegal.

2. Initially, petitioner herein filed a petition in the year 2012 alleging illegal construction having been raised by fifth respondent, which was disposed of with direction to Corporation to take action against the fifth respondent in accordance with law, if she is still carrying on unauthorised construction, after giving notice to her.

3. Notice was issued by the Corporation to fifth respondent on 05.06.2013. Thereafter, further proceedings were not taken, presumably for the reason that the fifth respondent had filed a civil suit in O.S.No.4008 of 2013, wherein, initially, an *ex parte* decree was passed in her favour, which was later on set aside and suit was restored. However, that suit finally came to be dismissed for want of prosecution on 31.03.2023.

4. Thereafter, petitioner again made a representation on 26.12.2024 and filed this petition.



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5. It, therefore, appears that because of the pendency of civil suit, the Corporation, though had issued notice on 05.06.2013, did not proceed further.

6. Now, there does not appear to be any impediment, much less any order passed by any Court restraining the Corporation from proceeding further in the matter.

7. After we issued notice to respondents, including Corporation, learned counsel for Corporation, today, upon instruction, would submit that the building has now been inspected on 12.11.2025 and depending upon the result of inspection, if it is found that the construction was made without any permission or it is in deviation of the permission granted, appropriate proceedings would be drawn.

8. In view of the above, we are not inclined to keep the petition pending, but to dispose it of with a direction to Corporation



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to conclude the proceedings by taking appropriate decision based on the inspection report and if it is found that the construction is either illegal or there is deviation, to proceed to issue appropriate notice, namely lock and seal notice and take action in accordance with law. Let it be done within four weeks. It is made clear that it would be open to fifth respondent to submit objection in case any lock and seal notice is issued to her or to take remedy before any appropriate authority as is available to her.

9. Petition is disposed of. There shall be no order as to costs
Consequently, the interim application is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
13.11.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl



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THE HON'BLE CHIEF JUSTICE
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