



W.P.No.27004 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.07.2025

C O R A M

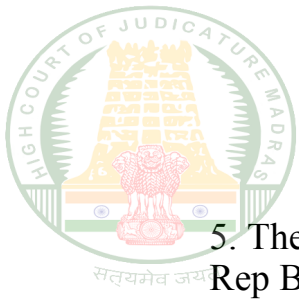
THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
W.P.No.27004 of 2024

J.Christopher Jayakumar
S/o.Asirvatham, Door No.902,
TNHB 38th Street, Korattur,
Chennai District- 600 080

Petitioner(s)

Versus

1. The Commissioner
Greater Chennai Corporation,
Ribbon Building, Chennai-03.
2. The Assistant Executive Engineer
Greater Chennai Corporation,
Zone 7 (ambattur) Unit- 19, No.536,
Chennai Thiruvallur High Way Road,
Ambattur, Chennai- 35.
3. The Junior Engineer / Zone 7
Greater Chennai Corporation,
Zone 7 (ambattur) Unit- 19, No.536,
Chennai Thiruvallur High Way Road,
Ambattur, Chennai- 35.
4. The Inspector Of Police
T3 Police Station , East Avenue Road,
Korattur, Chennai-080.



W.P.No.27004 of 2024

5. The Sri Perumal Temple
Rep By Jayakumar, No.38a Street,
North Avenue Road, Korattur,
Chennai District.

Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 01.04.2024 to take action as per the notice issued by the 2nd respondent 'a Stope Work Notice Calling for approved plan under Section 56 and 57 read with Section 85 of the Town and Country Planning Act, 1971 made in Notice No.Z-7/Dn.84/015/2024, dated 15.05.2024.

For Petitioner(s):

Mr.D.Padmanabhan

For Respondent(s):

Mr.E.C.Ramesh, St.Counsel for R1 to R3

Mr.Babu Muthumeeran, APP for R4

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to consider petitioner's representation dated 01.04.2024 to take action as per the notice issued by the 2nd respondent a Stop Work Notice calling for approved plan under Section 56 and 57 read with Section 85 of Town and Country Planning Act, 1971, dated 15.05.2024.

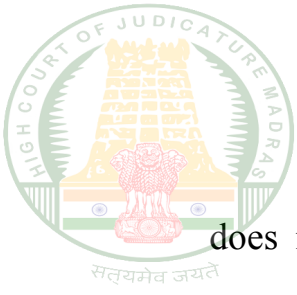


W.P.No.27004 of 2024

WEB COPY

2. According to the petitioner, an unauthorized house was constructed and subsequently, a temple was also built up without obtaining permission from HR & CE Department by encroaching the public pathway on the 50 feet northern side road, obstructing the petitioner's ingress and egress and free flow of water into Korattur lake. In this regard, the petitioner also made a representation dated 01.04.2024 to the 2nd respondent, who in turn, issued a stop work notice dated 15.05.2024 to the 5th respondent temple, calling upon to produce approved plan, within 15 days from the date of receipt of the notice. The grievance of the petitioner is that even two months had lapsed thereafter, the 2nd respondent has not taken any steps to remove the encroachment made by the unauthorized temple. Hence the Writ Petition.

3. A counter affidavit has been filed on behalf of the 5th respondent temple, wherein, while denying the averments made in the affidavit filed in support of the writ petition, it is stated that the temple is not constructed on 50 feet northern side road as alleged by the petitioner, but it was constructed on the private property situated in S.No.1030, Korattur which



W.P.No.27004 of 2024

does not encroach upon any public road and they are having necessary documents establishing that the subject property is a private patta land no encroachment was made.

4. It appears that after receipt of the receipt of the representation, dated 01.04.2024 from the petitioner, the 2nd respondent issued Stop work notice, dated 15.05.2024 to the 5th respondent temple, however, thereafter, there was no progress, which prompted the petitioner to come forward with the present Writ Petition.

5. Therefore, without delving upon the merits of the case, this Court directs the 2nd respondent to proceed further on consideration of the representation, dated 01.04.2024 and in pursuant to the stop work notice, dated 15.05.2024 and dispose of the same in accordance with law and on merits, after affording an opportunity of personal hearing to the petitioner and the 5th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.No.27004 of 2024

WEB COPY

costs.

5. With the above direction, this Writ Petition is disposed of. No

(J.N.B.J.,) (M.J.R,J.,)
09.07.2025

Index: Yes / No

Internet: Yes / No

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To

1. The Commissioner

Greater Chennai Corporation, Ribbon Building,
Chennai-03.

2. The Assistant Executive Engineer

Greater Chennai Corporation, Zone 7 (ambattur) Unit- 19, No.536, Chennai
Thiruvallur High Way Road, Ambattur, Chennai- 35.

3. The Junior Engineer / Zone 7

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W.P.No.27004 of 2024

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W.P.No.27004 of 2024

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