



WEB COPY



W.P.No.28986 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.No.28986 of 2025

and W.M.P.Nos.32510, 32511, 32513 and 32515 of 2025

1.S.Ammu @ Sarala Margret
W/o. T.Sankar

2.T.Sankar
S/o. Thiruvenkadam
P1 and P2 residing at
No.56/4, Police Commissioner Office Road,
Egmore, Chennai-600 008.

3. T.Ettiyappan
S/o.Thiruvenkadam
No.56, Police Commissioner Office Road,
Egmore, Chennai-600 008.

Petitioners

Vs

1.The Commissioner,
Corporation of Chennai,
Chennai-600 003.



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2.The Executive Engineer,
Zone-V, Corporation of Chennai,
No.61, Basin Bridge Road,
Basin Bridge,
Chennai-600 021.

3.The Assistant Engineer,
Division-61,
Corporation of Chennai,
No.23, Driver Street,
Pudupet, Chennai-600 002.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records on the file of the second respondent vide Notice No.Dn.61/011/2024-3, dated 16.6.2025 received/affixed on 11.7.2025 as illegal, violative and unsustainable and further for a direction, directing respondents 1 and 2 to consider the objections dated 12.7.2025 of the first petitioner and pass orders as to the action under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioners: Mrs.Karthikaa Ashok

For Respondents: Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

Challenge in the writ petition is to the action of the respondents in affixing a notice dated 16.6.2025 at the door the petitioners alleging that the petitioners have raised construction in violation of law.

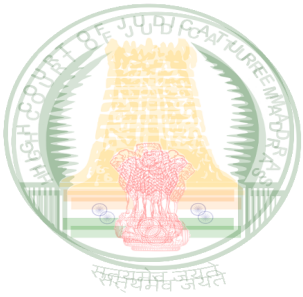
Learned counsel for the petitioners would submit that, in fact, the action is proposed to be taken in respect of the property situated



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at Door No.57/1, Police Commissioner Office Road, Egmore, Chennai, in respect of which impugned notice has been issued, but it has been wrongly affixed at the door of the petitioners. It is stated that the address of the first petitioner is No.56/4, second petitioner is No.56/3 and third petitioner is No.56/1, Police Commissioner Office Road, Egmore, Chennai.

2. It is the further submission of learned counsel for the petitioners that, in fact, action is being taken pursuant to a direction issued by this Court in *S.Muthusamy v. The Commissioner, Corporation of Chennai and others* [Order dated 30.6.2025 in *W.P.No.19525 of 2025*], wherein this court directed the jurisdictional Assistant Engineer, Greater Chennai Corporation, to pursue action as against unauthorised construction. The order passed by the Division Bench of this Court in the case of *S.Muthusamy* (supra) is directed against one Mudita Sreenivas. Therefore, affixation of notice at the door of the petitioners is illegal. Learned counsel for the petitioners, therefore, submitted that appropriate direction be issued restraining the respondents from taking any action against the petitioners.



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3. It is submitted by learned counsel for respondents that while the first petitioner has submitted a representation, other petitioners have approached this court without filing any representation.

4. Whether the house, in respect of which action is required to be taken, is under the occupation of the petitioners or some other person is, essentially, a matter of fact. We are of the view that this aspect is required to be considered by the authority concerned of the Corporation of Chennai.

5. In these circumstances, we are inclined to dispose of this petition giving liberty to petitioners 2 and 3 to submit detailed representations to the second respondent within a period of ten days from today. The second respondent shall examine the representations of the petitioners in the light of the order passed by the Division Bench in the case of *S.Muthusamy* (supra). After due consideration, appropriate decision shall be taken on the representations of the petitioners and it shall be determined whether it is the same house or some other house. This decision should be taken within an outer limit of seven days from the date of receipt of the representations. A



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speaking order shall be passed on the representations of the petitioners. Till the decision is taken on petitioners' representation, no coercive action shall be taken against the petitioners pursuant to the notice dated 16.6.2025.

6. It goes without saying that, in case the petitioners are aggrieved by the order that may be passed by the second respondent, it is open to the petitioners to take such remedy as may be available under law.

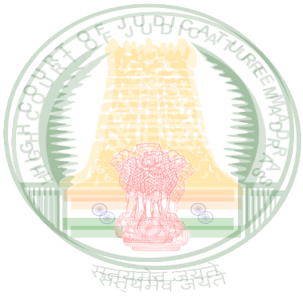
Writ petition is disposed of accordingly. There shall be no order as to costs. WMP No.32510 of 2025 filed to permit the petitioners to file a single writ petition is allowed, subject to payment of separate court-fee within two weeks. Other interim applications stand closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ)

(SUNDER MOHAN,J)

18.08.2025

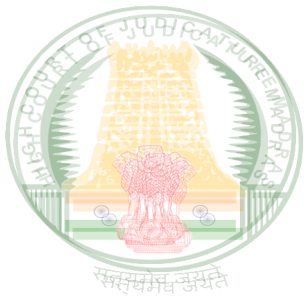
Index : Yes/No
Neutral Citation : Yes/No
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