



W.P.No.28490 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.02.2025

CORAM

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

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.28490 of 2024

D.Arunagiri

... Petitioner

Vs.

1. The Commissioner,
The Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
2. The Assistant Commissioner,
The Chennai Corporation,
The Greater Chennai,
Ripon Building,
Chennai – 600 003.
3. The Deputy Commissioner,
The Corporation,
The Greater Chennai,
Ripon Building,
Chennai – 600 003.



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4. The Assistant Executive Engineer,
The Chennai Corporation,
Central Region Zone – IX,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to remove the Lock and Seal of the petitioner dwelling house situated in No.7/4, Chokkattan Salai, Opp to Jayalakshmipuram, Nungambakkam, Chennai – 600 034.

For Petitioner : Mr.S.Aswin Karthikeyan

For R1 to R4 : Mr.D.B.R.Prabhu
Senior Counsel for Greater Chennai Corporation

ORDER

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

The writ of Mandamus has been instituted to direct the respondents to remove the Lock and Seal of the petitioner dwelling house situated in No.7/4, Chokkattan Salai, Opp to Jayalakshmipuram, Nungambakkam, Chennai – 600 034.

2. Stop work notice was issued by the second respondent on

02.02.2023. The petitioner submitted his explanations stating that as per the



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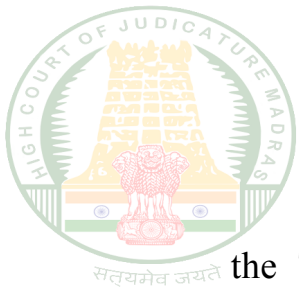
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Development Control Rules, no permission needs to be obtained for construction of house since the extend of the plot belongs to the petitioner is below 110 sq. metres.

3. The authorities conducted an inspection and found that the petitioner constructed building without obtaining any building plan permission at all. Since the construction is wholly unauthorized, de-occupation notice was issued by the respondents on 02.01.2024. The petitioner submitted a reply. The authorities found that the petitioner has not obtained any building plan permission for constructing the subject house in the property.

4. The petitioner filed the present writ petition seeking a direction to remove the lock and seal of the petitioner dwelling house. Such a relief cannot be considered in the absence of establishing that the petitioner constructed the building, by duly obtaining the building plan permission.

5. The counter filed by the Chennai Corporation reveals that after inspecting the building in question action had been taken by issuing pre-notice dated 14.06.2023 under Sections 56 and 57 read with Section 85 of



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the Tamil Nadu Town and Country Planning Act, 1971, directing the petitioner to submit the approved plan within a period of fifteen (15) days.

Since the petitioner could not able to produce any document to establish that he put up construction by duly obtaining the building plan permission, further actions were initiated.

6. Therefore this Court do not find any infirmity in respect of the actions initiated by the respondents. They are bound to continue the actions and remove the unauthorized constructions by following the due procedures. The petitioner has not established even a semblance of legal rights for considering the relief as he sought for in the present writ petition. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

(S.M.S., J.) (K.R.S., J)
10.02.2025

ssi
Index: Yes
Speaking Order: Yes/No
Neutral Citation Case : Yes/No



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