



WEB COPY



W.P.No.29538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.29538 of 2024
and WMP.No.32198 of 2024

K.M.Shahul Hameed

.... Petitioner

Vs

1.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.

2.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

3.Sabeerunnisa

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the second respondent to demolish the illegal and unauthorised construction put up by the third respondent in Old Door No.27, New Door No.09, Dera Venkatasamy Street, Chepauk, Chennai - 600 005, based on the complaint of the petitioner dated 20.09.2024, within a time frame as may be fixed by this Court.



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For Petitioner : Mr.L.Ragesh Bhagavath
For Respondents : Mr.C.Manoharan
Standing Counsel for CMDA [R1]
Mr.D.B.R.Prabhu
Standing Counsel for GCC [R2]
Mr.W.M.Abdul Azeer for R3

ORDER

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

The writ of mandamus has been instituted to direct the second respondent to demolish the illegal and unauthorised construction put up by the third respondent in Old Door No.27, New Door No.09, Dera Venkatasamy Street, Chepauk, Chennai - 600 005.

2. The writ petitioner states that he is the permanent resident of Triplicane and running a medical shop. The street viz., Dera Venkatasamy Street in Triplicane is a narrow lane and its width is about 10 ft., In the narrow lane, the third respondent has put up a construction unauthorisedly forcing threat to the users of the street and to the neighbours. In the event of allowing unauthorised construction to a larger extent in a small lane, the same would not only cause inconvenience, but the safety and security of the people using the street and residing there are also at stake.



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3. The complaint given by the petitioner was taken on file by the respondents 1 and 2. The learned counsel for the Corporation filed a status report stating that the inspection was conducted in the subject property of the third respondent, pursuant to which, action has been taken by the Chennai Corporation by issuing a notice dated 12.08.2024 for removal of unauthorised development carried out without planning permission, whereby the third respondent was directed to comply the rules and follow the conditions of permission by altering the building within a period of 30 days of receipt of said notice. However, no further action has been taken, since the writ petition is pending.

4. In the absence of any interim order in the present writ petition, there is no bar for the Corporation to proceed with further action. The Corporation has also stated in paragraph No.6 of the status report that in continuation of its notice dated 12.08.2024, further action was taken by the authorities by issuing notice dated 14.10.2024 to discontinue the ongoing unauthorised development, and that further action will also be taken against the third respondent requiring demolition of construction.



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5. In view of the status report filed by the respondents, the second respondent, the Commissioner, Chennai Corporation, is directed to initiate all appropriate actions to demolish the unauthorised construction if any, and to ensure that the building is constructed strictly in accordance with the building plan approval under the relevant statute. The said action is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] [K.R.S, J.]
05.02.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes / No
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To:

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S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

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