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W.P.No.31280 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

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

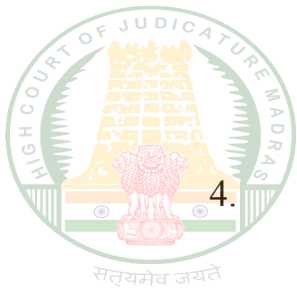
W.P.No.31280 of 2024
and
W/.M.P.No.33914 of 2024

R.Thirunavakkarasu

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
2. The Executive Engineer (Zone - 06),
No.158, Strahans Road,
Opp to Mahalakshmi Theatre,
Pattalam, Purusaiwalkam,
Chennai - 600 012.
3. The Assistant Engineer (65 Division),
Zone - 06,
No.158, Strahans Road, Opp to Mahalakshmi Theatre,
Pattalam, Purusaiwalkam,
Chennai - 600 012.



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4. Aposthola Christian Church,
Plot No.2,3,4 & 5, in survey No.23/2,
Dhanrajapuram, Church Street,
Kolathur,
Chennai - 600 099.
5. The District Collector,
Chennai District,
4th floor, M.Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai - 600 001.
6. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 9.

[R6 *suo motu* impleaded *vide* order dated 20.02.2025
in W.P.No.31280 of 2024 by SMSJ & KRSJ]

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for an issuance of writ of mandamus, directing the respondents 1 to 3 for removal of the illegal construction put up by the 4th respondent in 1st floor at Plot Nos.2,3,4 & 5 in S.No.23/2, Dhanrajapuram Church Street, Kolathur, Chennai - 600 099 within a stipulate time as fixed by this Court.

For Petitioner	: Mr.M.Aravind Subramanian Senior Counsel for Mrs.R.Maheswari
For Respondents	: Mr.E.C.Ramesh Standing Counsel for R1 to R3 : Mr.Richard Wilson for M/s.P.Wilson Associates [For R4] : Mr.E.Vijay Anand Additional Government Pleader [For R5 & R6]



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ORDER

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

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The writ of mandamus has been instituted to direct the respondents 1 to 3 to remove illegal construction put up by the 4th respondent church in 1st floor at Plot Nos.2,3,4 & 5 in S.No.23/2, Dhanrajapuram Church Street, Kolathur, Chennai - 600 099.

2. The learned Senior Counsel appearing on behalf of the petitioner would mainly contend that the 4th respondent church has not obtained any permission from the District Collector for establishing religious institution in the subject land. It is a residential area and therefore, as per the Rules, no permission can be granted for religious institutions. The 4th respondent church is causing nuisance to the residents of that locality. Therefore, the right to life of the residents under Article 21 of the Constitution of India is violated.

3. For establishing religious institutions, the Collector has to examine various factors and grant permission. Rules contemplates procedure for granting permission to religious institutions in residential locality. Such Rules are to be scrupulously followed.



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4. The Chennai Corporation filed a counter affidavit stating that Stop Work notice/notice calling for approval plan dated 17.07.2023 under Section 56 (1) & 57 r/w Section 85 of the Tamil Nadu Town and Country Planning Act was issued to the 4th respondent church. Consequently, the 4th respondent church stopped the construction activities. The approved plan produced by the 4th respondent church shows that the building plan was approved for Stilt Floor, First Floor and Second Floor as Tailoring Hall and Residential Building vide planning permit in PPA/WDCN/04/5990/2009 dated 03.12.2009 and Building Approval in BA/WDCN/04/3900/2010 dated 28.08.2010.

5. Therefore, the Corporation indicates that there is no planning permission granted for establishing religious institution and the permission of the District Collector is also mandatory.

6. However, the learned Counsel for the 4th respondent church would submit that a revision has been filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 before the Government. The Government granted an interim order in favour of the 4th respondent church.



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Unless the issue has been resolved by the Government, no further developmental activities can be done in the subject property and the 4th respondent is restrained from running the religious institutions until permission is granted in accordance with law.

7. Since the Government has granted an interim order in favour of the 4th respondent church, the Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai - 9 is directed to dispose of the revision petition filed under Section 80(A) of the Act as expeditiously as possible. After disposal of the revision petition, all further actions shall be continued by the competent Authorities. Therefore, ***the Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai - 9*** has been *suo motu* impleaded as respondent in the present writ petition. Mr.A.Vijay Anand, the learned Additional Government Pleader takes notice for the impleading respondent. It is needless to state that all the parties including the petitioner are to be heard in the revision petition.



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Accordingly, the Writ Petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

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

20.02.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

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