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W.P.No.36530 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

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T.G.Ramesh Babu .. Petitioner

v.

1. The Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Chennai 600 008

2. The Commissioner
Greater Chennai Corporation
Ripon Building, E.V.R.Road
Park Town, Chennai

3. The Executive Engineer
Ward No.117, Corporation of Chennai
No.45, South Boag Road
T.Nagar, Chennai 600 017

4. T.G.Suresh Babu .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to



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consider petitioner's representation and dispose of the petitioner's representation dated 20.05.2024.

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For Petitioner :: Mr.R.Lawrence Jeevakumar
for Mr.P.Jayachandran

For Respondents :: Mr.Y.Bhuvaneshkumar
Standing Counsel for R1
Mr.D.B.R.Prabhu
Standing Counsel for R2 & R3
Mr.K.Bommuraj for R4

ORDER

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

The writ of mandamus has been instituted to direct the respondents 1 to 3 to consider the representation submitted by the petitioner.

2. Pursuant to the interim order passed by this Court, the Greater Chennai Corporation conducted an inspection in the subject property. Re-inspection was also conducted by the Executive Engineer along with the Assistant Executive Engineer and Assistant Engineer of Greater Chennai Corporation. The authorities found that the fourth respondent had constructed the building in deviation of the approved plan, as follows:-



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Sl.No.	Setback	As per plan (In Metre)	As per site condition (In Metre)	Deviation (In Metre)
Ground Floor				
1	Front set back	4.57	2.3	2.27
2	Side set back (Left)	3.50	3.35	0.15
3	Side set back (Right)	1.5	1.4	0.1
4	Rear set back	-	-	-
First Floor				
1	Front set back	4.57	2.3	2.27
2	Side set back (Left)	3.50	3.35	0.15
3	Side set back (Right)	1.5	1.4	0.1
4	Rear set back	-	-	-
Moreover, the 4 th respondent has constructed in the 2 nd floor unauthorisedly as follows:				
1	Permanent structure RCC roof	(4.65x13.50) = 62.78 sq.m		(4.65x13.50) = 62.78 sq.m
	Temporary structure sheet roof only	(19.25x13.50) = 259.8 sq.m		(19.25x13.50) = 259.8 sq.m
USAGE OF BUILDING				
Floor		As per plan		As per site
Ground Floor		Commercial		Commercial
First Floor		Residential		Commercial

3. With reference to the unauthorised constructions, the learned standing counsel for the respondents 2 & 3 would submit that further actions will be initiated under the provisions of the Tamil Nadu Town and



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Country Planning Act.

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4. In view of the status report filed by the third respondent, the respondents 2 & 3 are directed to institute all further proceedings by following due process and demolish the unauthorised portion of the building, as expeditiously as possible, but not later than twelve weeks from the date of receipt of a copy of this order. The writ petition stands disposed of. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (K.R.S.,J.)
07.02.2025

SS

To

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Chennai 600 008

2. The Commissioner
Greater Chennai Corporation
Ripon Building, E.V.R.Road
Park Town, Chennai 600 003



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3. The Executive Engineer
Ward No.117, Greater Chennai Corporation
No.45, South Boag Road
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S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

SS

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