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W.P.Nos.34962 & 37982 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

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

**W.P.Nos.34962 & 37982 of 2024
and
W.M.P.Nos.37918 & 41073 of 2024**

W.P.No.34962 of 2024

S.Kuppuraj

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
E.V.R. Periyar Salai,
Chennai - 600 003.
2. The Executive Engineer,
Greater Chennai Corporation,
Zonal Office IX,
Nungambakkam,
Chennai - 600 034.
3. The Assistant Engineer,
Greater Chennai Corporation,
Zonal Office IX,
Nungambakkam,
Chennai - 600 034.
4. The Assistant Engineer,



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TANGEDCO,
Mandavelipakkam,
No.1, Narasimhapuram,
1st Floor, 33/11, KVSS,
Visalakshithittam,
Chennai - 600 004.

5. Mangal Kanji Mehta

6. Dinesh K.Mehta

... Respondents

W.P.No.37982 of 2024

1. Mangal Kanji Mehta

2. Dinesh K.Mehta

... Petitioners

vs.

1. The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Chennai - 600 009.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai - 600 008.

3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

4. The Executive Engineer,
Greater Chennai Corporation,
Zone - IX, Nungambakkam,
Chennai - 600 034.

... Respondents

Prayer in W.P.No.34962 of 2024 Petition filed under Article 226 of the



Constitution of India, seeking for an issuance of writ of mandamus, to direct the respondents 1 to 3 to demolish the unauthorised construction made in the second floor of the building situated at Door No.32/2, Old No.9, Third Trust Cross Street, Mandavellipakkam, Chennai - 600 028 in terms of the order dated 27.01.2021 passed by this Court in W.P.No.20072 of 2021 and consequently remove the illegal structures made in the setback area of the above mentioned building.

Prayer in W.P.No.37982 of 2024 Petition filed under Article 226 of the Constitution of India, seeking for an issuance of writ of mandamus, to direct the first respondent to hear petitioners stay petition filed in appeal preferred under Section 80(A) of the Tamil Nadu Town and Country Planning Act dated 09.12.2024.

In W.P.No.34962 of 2024

For Petitioner : Mr.K.Sasindran
For Respondents : Mr.D.B.R.Prabhu
Standing Counsel for R1 to R3
: Ms.B.Nikitha
for Mr.D.Suriyanarayanan
for R5 and R6

In W.P.No.37982 of 2024

For Petitioners : Ms.B.Nikitha
for Mr.D.Suriyanarayanan
For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader for R1
: Mr.R.C.Manoharan
Standing Counsel for R2
: Mr.D.B.R.Prabhu
Standing Counsel for R3 and R4

COMMON ORDER



W.P.Nos.34962 & 37982 of 2024

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

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WP.No.34962 of 2024 has been instituted by one Mr.S.Kuppuraj, seeking a direction to demolish the unauthorised construction made by the respondents 5 and 6 in the said writ petition. The fifth and sixth respondent in W.P.No.34962 of 2024 filed W.P.No.37982 of 2024 seeking a direction to the Government to hear the stay petition filed in revision petition filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as "the Act")

2. Admittedly, the revision petition filed by the 5th and 6th respondent in W.P.No.34962 of 2024 is pending before the Government. The Assistant Engineer, Greater Chennai Corporation filed a Status Report about the unauthorised constructions / deviations. Pertinently, both the writ petitioners and the private respondents have put up construction unauthorisedly and deviations are also identified. However, the revision petition filed under Section 80(A) of the Act is pending.

3. That being so, the Secretary to Government, Housing and Urban



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Development Department, St.George Fort, Chennai - 9 is directed to hear the revision petition filed under Section 80(A) of the Act and dispose of the same after affording opportunity to the parties as expeditiously as possible. After disposal of the revision petition, all further actions are to be continued by the competent Authorities of Greater Chennai Corporation against the unauthorised constructions / deviations, if any, without causing any further delay.

With the above observations, both the Writ Petitions are **disposed of**.

No costs. Consequently, connected miscellaneous petitions are closed.

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

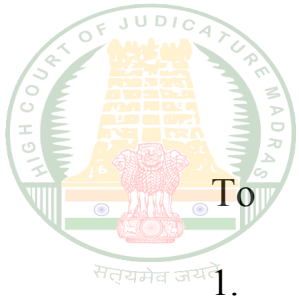
05.03.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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W.P.Nos.34962 & 37982 of 2017



1. To
The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
E.V.R. Periyar Salai,
Chennai - 600 003.
2. The Executive Engineer,
Greater Chennai Corporation,
Zonal Office IX,
Nungambakkam,
Chennai - 600 034.
3. The Assistant Engineer,
Greater Chennai Corporation,
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TANGEDCO,
Mandavelipakkam,
No.1, Narasimhapuram,
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5. The Secretary to Government,
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6. The Member Secretary,
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AND
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W.P.Nos.34962 & 37982 of 2024
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