



W.P.Nos.35718/2024 & 7458/2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

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

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.35718 of 2024 and

Writ Petition No.7458 of 2025 and

Writ Miscellaneous Petition Nos.8347 & 8348 of 2025

W.P.No.35718/2024:

1. N.Venkatesan
2. V.Suresh
3. R.Malarvizhi
4. A.Alagu
5. A.Tony Francis Praveen Amalraj
6. Priya.J

... Petitioners

Vs.

1. The Commissioner,
Corporation of Greater Chennai,
Chennai.
2. The Executive Engineer,
Zone No.9,
No.1 Lake Area,
4th Cross Street,
Nungambakkam,
Chennai – 34.
3. Mugunth Rao



W.P.Nos.35718/2024 & 7458/2025

4. Blessy Priya

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents 1 and 2 to remove the illegal permanent structural alteration in the walls and the steel fencing asbestos roof, unauthorized illegal obstruction of concrete walls erected by the respondents 3 and 4 in the common area where the common drainage chambers are in existence in which the petitioners are having legal right to use the common area and to restore the original structure the common wall as requested by the petitioners in their representation dated 26.02.2024 within a stipulated time.

For Petitioners : Mrs.S.T.P.Kuilmozhi

For RR1 & 2 : Mr.D.B.R.Prabhu, Standing Counsel

For RR3 & 4 : Mr.Arun Anbumani

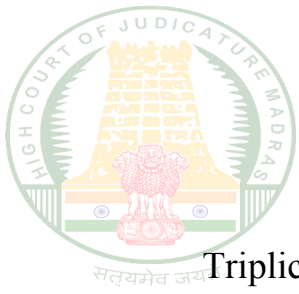
W.P.No.7458/2025:

Mr.K.Mukund Rao

... Petitioner

Vs.

1. The Commissioner,
Corporation of Greater Chennai,
Chennai.
2. The Executive Engineer,
Zone No.9,
No.1 Lake Area,
4th Cross Street, Nungambakkam,
Chennai – 600034.
3. The Assistant Executive Engineer,
Unit-27, Zone-09,
Greater Chennai Corporation,
No.12, Thulasisingaperumal Koil 2nd lane,



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Triplicane, Chennai- 600 005.

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4.The Junior Engineer,
Unit-27, Zone-09,
Greater Chennai Corporation,
No.12, Thulasisingaperumal Koil 2nd lane,
Triplicane, Chennai – 600 005.

5.Mr.Venkatesn Sivagnam

6.Mr.N.Venkatesan

7.V.Suresh

8.R.Malarvizhi

9.A.Alagu

10.A.Tony Francis Praveen Amalraj

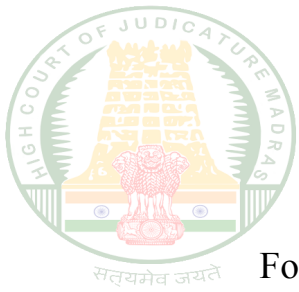
11.Priya.J

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in the Notice: No.Dn.121/001/2025 dated 21.02.2025 issued by the third and fourth respondents and quash the same and direct the respondents 1 to 4 to inspect all the flat units at No.36(16), Krishna Pearls Apartment, Nainar Nadar Street, Mylapore, Chennai – 600 004 only after issuing notice granting sufficient time and consequently take action against all the violations and deviations found in all the flat units within the time limit that may be fixed by this Court.

For Petitioner : Mr.C.K.Chandrasekar
For Mr.AR.Balaji

For RR1 to 4 : Mr.D.B.R.Prabhu,
Standing Counsel for Greater Chennai Corporation



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For R5 : No appearance

For RR6 to 11 : Mrs.S.T.P.Kuilmozhi

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COMMON ORDER

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

The writ petitions have been instituted challenging the notice dated 21.02.2025 issued under Section 56 (1) of Tamil Nadu Town and Country Planning Act and to consider the petitioners representation dated 26.02.2024 within a stipulated time.

2. With reference to the allegations set out in the impugned notice, this Court directed the authorities of Chennai Corporation to conduct field inspection. Accordingly, the Executive Engineer, Zone-9, Nungambakkam conducted field inspection twice and filed a Status Report before this Court.

3. In view of the controversy between the writ petitioners in the two writ petitions, again an inspection was directed to be conducted, which was done by the Executive Engineer, Zone-9, Nungambakkam. In paragraph Nos.5 to 9 of the Status Report reads as under:

“5. I respectfully submit that at the time of inspection it was found that the building in question at No.36(16), Krishna



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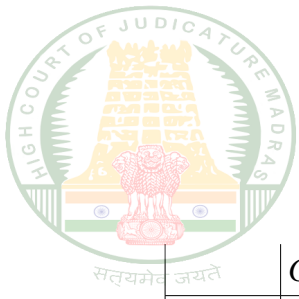
Pearls Apartment, Nainar Nadar Street, Mylapore, Chennai – 600 004, was put up by deviating the approved plan without leaving front setback and constructed the first and second floor on the eastern and western side of the building making elevation in the setback and also the two flat owners in the ground floor have constructed a wall abutting the common passage in the ground floor.

6. I respectfully submit that further enforcement action against the building in question at No.36 (16), Krishna Pearls Apartment, Nainar Nadar Street, Mylapore, Chennai – 600 004, was taken by issuing a Notice for the Removal of Unauthorized Development carried out without Planning Permission dated 21.02.2025 to the respondents 3 and 4 herein as well as to the petitioners herein.

7. I respectfully submit that in the meantime the 3rd respondent herein has filed a writ petition in W.P.No.7458 of 2025 praying to issue writ of Certiorarified Mandamus or order or direction in the nature of writ calling for the records in the Notice: No.Dn.121/001/2025 dated 21.02.2025 issued by the third and fourth respondents and quash the same; and direct the respondents 1 to 4 to inspect all the flat units at No.36(16), Krishna Pearls Apartment, Nainar Nadar Street, Mylapore, Chennai-600 004 only after issuing notice granting sufficient time and consequently take action against all the violations and deviations found in all the flat units within the time limit that may be fixed by this Hon'ble Court.

8. I respectfully submit that accordingly the building in question was again inspected by the officials of Greater Chennai on 13.03.2025 and following deviations were noted as follows:-

Sl. No.	Floor Details	As Per Plan	As Per Site	Deviation
1	Front Set Back			
	Ground Floor	1.52 m	1.52 m	-
	First Floor	1.52 m	0.90 m	0.62 m
	Second Floor	1.52 m	0.90 m	0.62 m
2	Side Setback (Eastern Side)			



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	Ground Floor	0.99 m	0.95 m	0.04 m
	First Floor	0.99 m	0.35 m	0.64 m
	Second Floor	0.99 m	0.35 m	0.64 m
3	Side Setback (Western Side)			
	Ground Floor	0.99 m	0.95 m	0.04 m
	First Floor	0.99 m	0.35 m	0.64 m
	Second Floor	0.99 m	0.35m	0.64 m
4	Backside Set Back			
	Ground Floor	1.52 m	1.70 m	-
	First Floor	1.52 m	1.0 m	0.52 m
	Second Floor	1.52 m	1.0 m	0.52 m
5	Stilt Floor cum Ground Floor	234.83 m ²	246.48 m ²	11.65 m ²
6	First Floor	243.30 m ²	292.18 m ²	48.98 m ²
7	Second Floor	91.42 m ²	113.75 m ²	22.33 m ²
8	FSI	1.47	1.79	0.32

9.I respectfully submit that further action against the building in question will be taken as per the provisions of Tamil Nadu Town and Country Planning Act, 1971.”

4. In view of the status report that the Corporation has already initiated action under the provisions of the Town and Country Planning Act, the official respondents are directed to continue all further actions by following the due process and by affording opportunity to the parties. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With these observations both the writ petitions stands disposed of. There



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shall be no order as to costs. Consequently, the connected miscellaneous petitions stands closed.

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(S.M.S., J.) (K.R.S., J.)
18.03.2025
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Index: Yes

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To:

- 1.The Commissioner, Corporation of Greater Chennai, Chennai.
- 2.The Executive Engineer, Zone No.9, No.1 Lake Area, 4th Cross Street, Nungambakkam, Chennai – 34.
- 3.The Assistant Executive Engineer, Unit-27, Zone-09, Greater Chennai Corporation, No.12, Thulasisingaperumal Koil 2nd lane, Triplicane, Chennai- 600 005.
- 4.The Junior Engineer, Unit-27, Zone-09, Greater Chennai Corporation, No.12, Thulasisingaperumal Koil 2nd lane, Triplicane, Chennai – 600 005.

S. M. SUBRAMANIAM., J.

AND

K. RAJASEKAR., J.

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