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W.P.No.33269 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.33269 of 2024  
and WMP No.36071 of 2024

K.C.Jayabalan

.... Petitioner

Vs

1.The Executive Engineer  
Greater Chennai Corporation  
Zone-13, Unit-40  
Adayar, Chennai - 600 020.

2.The Assistant Executive Engineer  
Greater Chennai Corporation  
Zone-13, Unit-40  
Adayar, Chennai - 600 020.

3.The Assistant Engineer  
Greater Chennai Corporation  
Zone-13, Division - 173,  
Adayar, Chennai - 600 020.

.... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari calling for the records of the respondents 1 to 3 herein, relating to the proceedings in Letter



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No.13/00153/2024 dated 21.10.2024 and quash the same and pass such other further order or orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Chandrasekaran  
For Respondents : Mrs.P.T.Ramadevi  
Standing Counsel for R1 to R3

### **ORDER**

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

The Lock and Seal and Demolition Notice issued by the Chennai Corporation / first respondent is under challenge in the present writ petition.

2. The petitioner is running a marriage hall under the name and style "Sekaran Kalyana Mandabam". Admittedly, the marriage hall was constructed without obtaining building plan permission as required under the provisions of Act and Rules. Mere payment of property tax, electricity charges would not be a ground to save the unauthorised construction, which would not only cause inconvenience to the general public but would result in causing threat for safety and security of the residents of the nearby area and other road users in that locality. The building regulations are to be followed



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scrupulously in order to protect the safety and security of the people in general. The unauthorised constructions are causing havoc and the authorities are not initiating any action but colluding with the persons who are indulging in constructing unauthorised buildings. Corrupt activities of the officials resulted in conversion of urban areas as concrete jungle. Deviations and unauthorised constructions if allowed to continue, would result in anomalous situation where people cannot live in a peaceful manner. Right to life as ensured under the Constitution of India is to be protected and in the event of illegalities and irregularities, the right to peaceful life is not protected and therefore, the authorities are bound to be held personally liable and accountable in the event of allowing any unauthorised construction within their jurisdictional areas. Unless these authorities are personally held accountable, it would be very difficult to control the unauthorised construction of the buildings in urban areas.

3. In the present case, marriage hall has been constructed unauthorisedly without obtaining building plan permission. Based on the complaint, action was taken, Lock and Seal and Demolition Notice was issued in proceedings dated 21.10.2024 .



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4. The learned counsel for the petitioner would submit that action was initiated to get the building plan permission and necessary payments were made to the Corporation.

5. There is no provision to grant retrospective building plan permission to the petitioner from the date of its construction. Therefore, a mere receipt of fee by the Corporation would not confer any right to the authorities to grant building plan permission with retrospective effect which is otherwise not contemplated under the Act and Rules.

6. The petitioner has to demolish the unauthorised construction and has to obtain building plan permission and thereafter, construct a building in accordance with the building plan permission, if any granted by the Corporation. Thus, this Court do not find any infirmity in respect of the impugned order of Lock and Seal and Demolition Notice dated 21.10.2024 issued by the first respondent.

7. The respondents are directed to act in accordance with the impugned order dated 21.10.2024 and all further proceedings as contemplated as per the Act and Rules, and demolish the unauthorised construction within a period of



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three months from the date of receipt of a copy of this order.

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8. With the above directions, the writ petition stands dismissed. 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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Adayar, Chennai - 600 020.
- 2.The Assistant Executive Engineer  
Greater Chennai Corporation  
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