



W.P.No.490 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

WEB COPY

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE M.JOTHIRAMAN

WP NO. 490 of 2024

K.Kannan
S/o.Krishna Reddiar, No.15/6, Agatheeswarar Koil
Street, Villivakkam, Chennai- 600 049.

...Petitioner

Vs

- 1.The Commissioner
Corporation Of Chennai, Ripon Buildings,
Chennai- 600 003.
2. The Executive Engineer
Zone-iv/ Zonal Officer, Corporation Of Chennai,
Anderson Street, Ayanavaram, Chennai-600 023.
3. The Sub Registrar
Villivakkam, Sub Registrar Office,
576, Mogappair West Nolambur, Chennai- 037.
4. R.Kumar
No.13/5, Agatheeswarar Koil Street, Villivakkam,
Chennai-600 049.

.. Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying
for issuance of writ of mandamus directing the respondents 1 and 2 to



W.P.No.490 of 2024

consider the petitioner's representation dated 31.03.2023 and demolish the unauthorised construction i.e., the 2nd and 3rd floor at No.13 /5, Agatheeswarar Koil Street, Villivakkam, Chennai-600 049 and also directing the 3rd respondent to enquire about the non-mentioning and non-inclusion of the said 2nd and 3rd unauthorised sealed portion at No.13/5, Agatheeswarar Koil Street, Villivakkam, Chennai 600 049 in the Sale Deed dated 28.09.2022 and initiate appropriate action within the time stipulated by this Court.

For Petitioner(s): Mr.V.Raghupathi

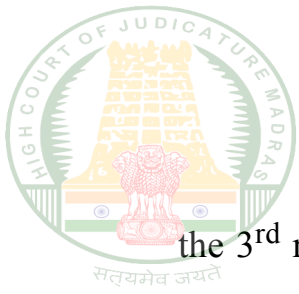
For Respondent(s): Mr. D.B.R. Prabhu, Standing Counsel for R1 & R2

Mr. M.Venkateswaran, Spl. Govt.Pleader for R3

ORDER

(Order of the Court was made by the Hon'ble J.Nisha Banu J.)

This writ petition has been filed for a direction to the respondents 1 and 2 to consider the petitioner's representation dated 31.03.2023 and demolish the unauthorised construction i.e., the 2nd and 3rd floor at No.13/5, Agatheeswarar Koil Street, Villivakkam, Chennai-600 049 and also directing

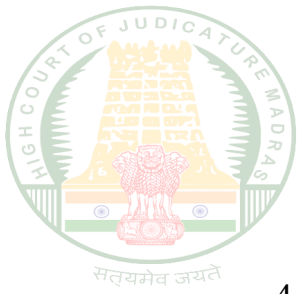


W.P.No.490 of 2024

the 3rd respondent to enquire about the non-mentioning and non-inclusion of the said 2nd and 3rd unauthorised sealed portion at No.13/5, Agatheeswarar Koil Street, Villivakkam, Chennai 600 049 in the Sale Deed dated 28.09.2022 and initiate appropriate action.

2. It is stated by the petitioner that his neighbour viz., Kamaraj constructed unauthorised construction in the 2nd and 3rd floor at No.13/5, Agatheeswara Koil Street, Villivakkam, Chennai. The petitioner filed W.P.No.7667 of 2009 seeking direction to the authorities to take action. The said writ petition was allowed on 26.06.2009 with a direction to the Corporation to demolish the unauthorized construction by following due process of law.

3. The Corporation Authorities also issued notice dated 10.08.2009 under Section 378 of Chennai City Municipal Corporatin Act. Challenging the said notice, the said Kamaraj filed W.P.No.17168 of 2009 and the said writ petition was disposed of on 04.01.2010 with a direction to the petitioner/Kamaraj, to approach competent authority u/s.49 of the Act.



W.P.No.490 of 2024

WEB COPY

4. The petitioner thereafter filed Contempt Petition No.576 of 2011, pursuant to which, the respondent-Corporation issued notice dated 26.04.2011 u/s.56 read with Section 85 of the Town and Country Planning Act, 1971, to Kamaraj to restore the original position as per the sanctioned plan within seven days. Thereafter, the contempt petition was closed.

5. The petitioner further states that the said Kamaraj filed W.P.No.12050 of 2011 as against the notice directing to restore the original position as per the sanctioned plan. The said writ petition was disposed of by this court on 13.02.2014 with a direction to submit a reply to the said notice.

6. According to the petitioner, no further proceedings were initiated thereafter by the respondents and therefore, he sent a representation to the 2nd respondent on 14.07.2015 and also sent lawyer notice dated 14.07.2015 and he has not received any reply.

7. The petitioner also filed W.P.No.10967 of 2019 seeking direction to the respondents 1 and 2 to remove the unauthorised construction put up by Kamaraj. The said writ petition was disposed of on 19.06.2019. Thereafter, unauthorised constructions in the 2nd and 3rd floor was sealed. However, no



W.P.No.490 of 2024

action has been taken thereafter.

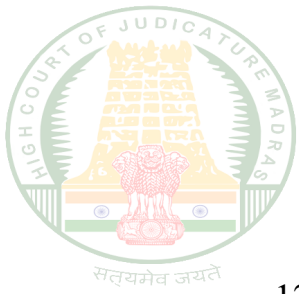
WEB COPY

8. The petitioner further states that 4th respondent has purchased the property from Kamaraj. The petitioner again sent representation dated 31.03.2023 requesting respondents 1 and 2 to demolish the unauthorised construction. The petitioner states that he is in constant apprehension and fear that the unauthorised structure may fall down on his house.

9. Mr.D.B.R.Prabhu, learned Standing counsel appearing for Corporation of Chennai viz., respondents 1 and 2, submits that the Corporation will consider the representation dated 31.03.2023 and will take necessary action.

10. 4th respondent filed counter affidavit. He submits that he is an innocent purchaser and taken loan and purchased the property and he is not aware about the contempt and other petitions filed before this court in respect of the building in question. It is also stated that Kamaraj died. He purchased the said property for valuable consideration and he is possession and enjoyment of the same and he has been paying all Government Taxes and other charges.

11. Heard.



W.P.No.490 of 2024

WEB COPY

12. Taking note of the facts of the case and the earlier order of this court dated 19.06.2019, wherein, it is held that “the respondent Corporation will proceed in accordance with law in relation to the unauthorised structure”, this Writ Petition is disposed of with the following directions:-

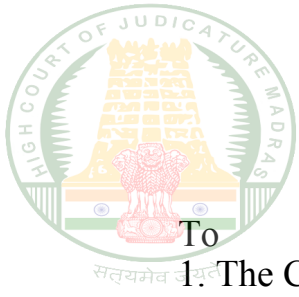
(i) The first and second respondents are directed to serve notice on the 4th respondent and other parties/occupants who reside at No.13/5, Agatheeswarar Koil Street, Villivakkam, Chennai-600 049 and forthwith take necessary enforcement action to remove all the unauthorized construction in the said building.

(iii) The 1st and 2nd respondents are directed to serve necessary notice to the 4th respondent building owners/occupiers and take action as directed above and complete the above exercise within a period of eight weeks from the date of receipt of a copy of this order.

No costs.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
09-06-2025

nvsri



W.P.No.490 of 2024

To

1. The Commissioner
Corporation Of Chennai, Ripon Buildings, Chennai- 600
003.

2. The Executive Engineer
Zone-iv/ Zonal Officer, Corporation Of Chennai, Anderson Street,
Ayanavaram, Chennai-600 023.

3. The Sub Registrar
Villivakkam, Sub Registrar Office, 576, Mogappair West Nolambur, Chennai-
037.

4. R.Kumar
No.13/5, Agatheeswarar Koil Street, Villivakkam, Chennai-600 049.



WEB COPY



W.P.No.490 of 2024

J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.

nvsri

WP NO. 490 of 2024

09.06.2025