



WEB COPY

W.P.No.35766 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

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

**W.P.No.35766 of 2024
and
WMP.Nos.38634 & 38638 of 2024**

J.Philomena Sojanar,
No.64, St.Mary's Road,
Abiramapuram,
Chennai - 600 018.

... Petitioner

Vs.

1. The District Collector,
Chennai District,
Singaravelar Maaligai,
No.62, Rajaji Salai, Chennai - 600 001.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thallamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
4. The Zonal Executive Engineer (Zone-09),



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Greater Chennai Corporation,
No.4, 4th Cross Street, Lake View Road,
Nungambakkam, Chennai - 600 034.

5. The Assistant Engineer,
(ward 123, unit 25, zone 9),
Greater Chennai Corporation,
No.29, C P Ramasamy Road,
Chennai - 600 018.
6. The District Revenue Officer (DRO),
Chennai District,
Sigaravelar Maaligam,
No.62, Rajaji Salai, Chennai - 600 001.
7. The Assistant Engineer,
TANGEDCO, Nandanam,
No.1, Greenways Road,
R.A.Puram, Chennai - 600 028.
8. The Inspector of Police,
E-4, Abiramapuram Police Station,
Abiramapuram, Chennai - 600 028.
9. Arch Diocese of Madras - Mylapore,
Represented by Arch Bishop,
Rev.George Antonysamy,
Archbishop's House,
No.41, Santhome High Road,
Chennai - 600 004.
10. Pastor Anthony Raj,
Now Parish Priest,
Our Lady of Guidance Church,
47/22, Lazarus Church Road,
Raja Annamalai Puram,
Chennai - 600 028.
11. Mr.Titus Thanga Primus,
(Vice President of Parish Council



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Our Lady of Visitation Church, St.Mary's Road),
Residing at D.No.3, Flat No.A1,
Madhuras Flats, Sriram Colony,
Alwarpet, Chennai - 600 018.

12. The Parish Priest,
Our Lady of Visitation Church,
Nos.88 and 89, St.Mary's Road,
Abiramapuram, Chennai - 600 018. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, directing the respondents 1 to 6 to perform their statutory functions by demolishing and prohibiting the illegal, unapproved constructions of 3000-4000 sq.ft. marriage hall used as a Church Building for religious workshop and by demolishing the illegal, unapproved, bell tower and grotto that had been built in spite of stop work orders passed by the Assistant Engineer in notice No.Zone-IX/DN123/004/2023, dated 23.02.2024, the order and notice of the Executive Engineer, Assistant Engineer Enforcement and Executive Engineer, in Notice Zone-IX/DN.123/001/2024 dated 04.03.2024 as well as the refusal of permission to construct any building issued by the Executive Engineer by WDC No.TPPPAWDCN09/04113/2024, dated 13.05.2024 in Survey Nos.Rs.3977, in Block No.0088, Mylapore Part (II), Mylapore Taluk, Chennai District in accordance with law.

For Petitioner : Mr.M.Joseph Thatheus Jerome

For Respondents : Mr.G.Ameedius



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Government Advocate for R1 & R6

: Mr.C.Manoharan
Standing Counsel for R2

: Mr.M.Suresh Kumar
Additional Advocate General
assisted by
Mr.D.B.R.Prabhu
Standing Counsel for R3 to R5

: R7-No appearance

: Mr.A.Gokulakrishnan
Additional Public Prosecutor for R8

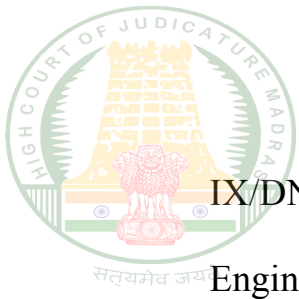
: Mrs.Auxilia Peter for R9, R10 & R12

: Mrs.AL.Ganthimathi
Senior Counsel
for Ms.R.Priyadharshini for R11

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 6 to perform their statutory functions by demolishing and prohibiting the illegal, unapproved constructions of 3000-4000 sq.ft. marriage hall used as a Church Building for religious workshop and by demolishing the illegal, unapproved, bell tower and grotto that had been built in spite of stop work orders passed by the Assistant Engineer in notice No.Zone-



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IX/DN123/004/2023, dated 23.02.2024, the order and notice of the Executive Engineer, Assistant Engineer Enforcement and Executive Engineer, in Notice Zone-IX/DN.123/001/2024 dated 04.03.2024 as well as the refusal of permission to construct any building issued by the Executive Engineer by WDC No.TPPPAWDCN09/04113/2024, dated 13.05.2024 in Survey Nos.Rs.3977, in Block No.0088, Mylapore Part (II), Mylapore Taluk, Chennai District in accordance with law.

2. With reference to the complaint filed by the writ petitioner regarding unauthorised construction causing inconvenience and posing danger to the public, this Court directed the Greater Chennai Corporation to conduct inspection and survey and submit a status report regarding the allegations of unauthorised constructions.

3. The Assistant Commissioner, Zone-IX, Greater Chennai Corporation filed a status report before this Court. Reading of the status report reveal that unauthorised constructions are identified and the details stated in paragraph nos.5, 6, 7 and 8 reads as under:

"5.as per the orders of this Hon'ble Court the site in question was inspected by the officials of Greater Chennai



Corporation with the help of Police protection on 22.03.2025. I further submit that at the time of inspection a plan copy issued in the year 1956 was produced by the 9th respondent for construction of Low Cost Row House in R.S.No.3977, Block:88 on St.Mary's Road, Mylapore, vide Building Approval in BA.No.724/56 dated 15.11.1956 and Permit in P.No.724/56, Dated 08.02.1957 and during the inspection, the following deviations from the planning permission are found and the same as follows:

Sl. No.	Description	As per plan	As per site	Deviation/ Unauthorised
1.	A Block:- Low Cost Houses from Door No.50 to 54	170.00m ²	301.58 m ²	Deviation of Area (131.50 m ²)
2.	Existing Well Area	Nil	22.29 m ²	22.29 m ²
3.	B Block:- Low Cost House from Door No.55 to 57	101.00 m ²	136.59 m ²	Deviation of Area (35.59 m ²)
4.	Existing houses constructed on before the year 1956 (Semi-Permanent Structure - 1 from Door No.58 to 63)	Nil	439.96 m ²	Unauthorised of area (439.96 m ²)
5.	Existing houses constructed on before the year 1956 (Semi-Permanent Structure - 1 from Door No.64 to 69)	Nil	420.44 m ²	Unauthorised of area (420.44 m ²)
6.	C Block:- Low Cost Houses from Door No.70 to 76	236.80 m ²	449.90 m ²	Deviation of Area (213.10 m ²)
7.	D Block:- Low Cost Houses from Door No.77 to 83	239.49 m ²	362.45 m ²	Deviation of Area (122.95 m ²)
8.	E Block:-	221.46 m ²	471.00 m ²	Deviation of Area



Sl. No.	Description	As per plan	As per site	Deviation/ Unauthorised
	Low Cost Houses from Door No.84 to 89			(249.53 m ²)
	Total			1635.36 m ²

...at the time of inspection and it is noticed that, Door No.68, 70, 77 and 83 were vacant and empty houses out of Door No.50 to 89.

6.on perusal of the said plan copy an old Church building is in existence on the western side of the property and the old Church building was constructed 350 years ago without getting the planning permission from the authority concerned and further submit that the authorised representative on behalf of the old Church has submitted an Additional and Alteration Plan vide Building Approval in BA.No.914/76 dated 11.10.1976 and permit in P.No.914/76, dated 18.12.1976, for constructing an additional building in the existing old Church.

7.further at the time of inspection it was found that a new Church Building, Entrance Arc and Bell tower was constructed without obtaining any planning permission and the following unauthorised construction and the same as follows:-

Sl.No.	Description	As per plan	As per site	Unauthorised of area sq.ft
1.	New Church Building	Nil	4437.65 sq.ft	4437.65 sq.ft
2.	Entrance Arch Structure	Nil	307.90 sq.ft	307.90 sq.ft
3.	Bell Tower	Nil	373.00 sq.ft	373.00 sq.ft

No planning permission was furnished by the authorised representative on behalf of the Church.



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8. *...with respect to the unauthorised Bell Tower the Greater Chennai Corporation has already taken enforcement action and notices under the provision of Tamil Nadu Town and Country Planning Act, 1971 were issued. Further, the unauthorised Bell Tower was locked and sealed on 01.04.2025 with the held of Police Protection."*

4. The parties have raised several other allegations stating that the subject property is a Government Poromboke land and other unauthorised constructions are also available.

5. In this regard, the aggrieved person may approach the competent Authority for initiation of appropriate action in accordance with law. As far as the present writ petition is concerned, the Assistant Commissioner, Zone-IX, Greater Chennai Corporation filed a status report and as per the status report, the unauthorised constructions are identified and enforcement action already commenced must be continued.

6. Accordingly, the respondents 3, 4 and 5 are directed to continue the enforcement action by demolishing the unauthorised building in accordance with law by following the procedures contemplated and conclude the same within a period of twelve (12) weeks from the date of receipt of a



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copy of this order. Further, the 8th respondent is directed to provide required police assistance whenever required, for the purpose of enforcement action.

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With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S,J.] [K.R.S,J.]
02.04.2025

veda
Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

To

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S.M.SUBRAMANIAM,J.
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