



WEB COPY



W.P.No.37527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

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

W.P.No.37527 of 2024

E.Arumugam

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
2. Regional Deputy Commissioner (South),
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.
3. Zonal Officer, Zone XII (Alandur),
Greater Chennai Corporation,
No.1, New Street, Near GST Road,
Alandur, Chennai - 600 016.
4. Executive Engineer, Zone - XII,
Greater Chennai Corporation,
Alandur, Chennai - 600 016.
5. The Assistant Engineer/Junior Engineer,
Division 160, Zone - XII,
Greater Chennai Corporation,
Alandur, Chennai - 600 016.
6. The Additional Secretary to Government,



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7.

Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai.

Veeramuthu, S/o. Raju Nadar

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... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for an issuance of writ of mandamus, to direct the respondents 1 to 5 to demolish and remove the illegal constructions put up by the 7th respondent to the petitioner's property as per the order of the 6th respondent dated 11.04.2023 in letter no.2822/UD-VII (1)/2019-4.

For Petitioner

: Mr.S.Bala Ganesh

For Respondents

: Mr.M.Suresh Kumar

Additional Advocate General
assisted by

Mrs.S.Vanitha Joice Rani

Standing Counsel for R1 to R5

: Mr.E.Vijay Anand

Additional Government Pleader
[For R6]

: Ms.R.K.Sekina Reshma

[For R7]



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ORDER

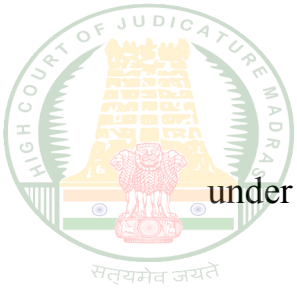
(Order of the Court was made by the Hon'ble **S.M.SUBRAMANIAM, J.**)

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The writ of mandamus has been instituted to direct the respondents 1 to 5 to demolish and remove the illegal constructions put up by the 7th respondent in the petitioner's property as per the order of the 6th respondent dated 11.04.2023 in Letter No.2822/UD-VII (1)/2019-4.

2. The Corporation Authorities conducted an inspection in the subject property. The 7th respondent in occupation of the building premises has not produced any Building Plan Permission. The Authorities after conducting enquiry found that the building is wholly unauthorised. The entire construction was made without Building Plan Permission. Further action was initiated by the Chennai Corporation.

3. The 7th respondent preferred a revision under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as "the Act") before the Government. The Government adjudicated the merits and found that there is no approved plan and the entire construction is unauthorised. After conducting an enquiry, the Government passed an order



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under Section 80 (A) of the Act in proceeding dated 11.04.2023.

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4. The learned Counsel appearing on behalf of the petitioner would submit that the subject land belongs to the petitioner. The 7th respondent has illegally occupied the land belongs to the petitioner. The said dispute is pending. The petitioner is the decree holder and delivery has been ordered in the execution proceedings.

5. The Government passed an order in the revision to remove the unauthorised construction within a period of three months. Pursuant to the orders of the Government, the Chennai Corporation issued De-occupation notice dated 26.12.2024 to the 7th respondent.

6. This being the factum established, the 7th respondent is not entitled to oppose Chennai Corporation from proceeding with their action to demolish the unauthorised building, in view of the fact that the petitioner is entitled for the relief.

7. Accordingly, the respondents 1 to 5 are directed to proceed with



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the De-occupation notice and complete the demolition of the building in all respects and restore the land in its original position within a period of eight (8) weeks from the date of receipt of a copy of this order. The Corporation Authorities, if requires, shall seek the assistance of the Police.

8. In the result, the Writ Petition stands **disposed of** . No costs.

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

20.02.2025

veda

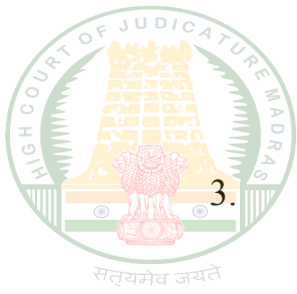
Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

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