



WEB COPY



W.P.No.37245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31.01.2025**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE C.KUMARAPPAN**

Writ Petition No.37245 of 2024
and WMP Nos.40259 & 40260 of 2024

K.M.Shajahan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
3. Executive Engineer,
Zone 05, Greater Chennai Corporation,
No.105, Basin Bridge Road, Royapuram,
Chennai 600 079.
4. The Assistant Executive Engineer,
Division 55, Zone 05, Greater Chennai Corporation,
No.105, Basin Bridge Road, Royapuram,
Chennai 600 079.



W.P.No.37245 of 2024

5. V.M.Jafarullakhan
6. Mohammed Ali
7. V.M.J. Mohammed ansari
8. Mohamed Sulbikar Ali Hussain
9. Fairose Parveen

10. K.M.N.Rawther Naina Mohamed
11. S.M.Nasreen Fathima
12. S.Sushila Banu
13. Sunaith Yasmin

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Mandamus, directing the respondents 2 to 4 to forthwith demolish the illegal and unauthorized construction, put up by the respondents 5 to 7 in R.S.No.1761/2 and 1764/1, Door No.171, Portuguese Church Street, Sevenwells, Chennai 600 001, based on the Lock and Seal and Demolition Notice issued by the third respondent dated 22.02.2023 and based on the petitioner's complaint bearing No.2024-200FKE, dated 07.10.2024 with the third respondent.

For Petitioner : Mr.T.Mohan, Senior Counsel
for M/s. Abinav Parthasarathy

For Respondents : Mr.P. Balathandayutham,
Special Govt. Pleader, for R1

Mr.S.Suresh Kumar,
Additional Advocate General
Asst. by Mr.S.Gopinathan, for RR 2 to 4



WEB COPY



W.P.No.37245 of 2024

: Mr.A.K.Sriram, Senior Counsel
for M/s.Vikram Veerasamy, for RR 5 to 7

: Mr.Saravana Kumar, for RR 8 to 11

ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

An affidavit has been filed by the fifth respondent. Paragraphs 3 and 4 of the affidavit read as follows:

3. I state that I am a law-abiding citizen and as such I am fully committed to adhering to the sanctioned plan originally obtained by me. Further, I am also committed to upholding my obligation to comply with all relevant rules and regulations in both the letter and spirit of the law. Accordingly, I unconditionally undertake to either bring the construction put up by me at No.74/171, Portuguese church street seven well Chennai 600 001 in conformity with the original sanctioned plan or to obtain a revised approval plan as per the Tamil Nadu Combined Development and Building Rules, 2019 and bring the construction in conformity with the revised



WEB COPY



W.P.No.37245 of 2024

plan.

4. I humbly state that the entire building has 15 number of flats and is residential in nature, which are occupied by lower middle class families comprising of senior citizens, women and very young children. I further state that an immediate de-occupation/evacuation would crate grave injury and deprivation to the families, particularly to school going children and old aged persons. In view of the difficult position, I pray that this Hon'ble Court may be pleased to grant three months time to either bring the construction put up by me at No.74/171, Portuguese church street seven wells Chennai 600 001 in conformity with the original sanctioned plan or to obtain a revised approval plan as per the Tamil Nadu Combined Development and Building Rules, 2019 and bring the construction in conformity with the revised plan.

2. As of today, the building is in violation of the sanctioned plan. The affidavit extracted above states that the fifth respondent will either remove the offending portions of the construction and bring the building in conformity with the existing sanctioned plan or obtain a revised plan. We



W.P.No.37245 of 2024

are not going into the question as to whether the fifth respondent would be entitled to apply for a revised plan or a revised plan would be within the parameters prescribed under the relevant law viz. the Combined Development and Building Rules.

3. Considering the fact that there are about 15 families residing there and there are children also we only direct the Authority to defer action by three months. If the building is found to be in violation of a plan after a period of three months from today, the Authorities will immediately take action to demolish and remove the offending construction.

4. The Writ Petition is disposed of with the above observation. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
31.01.2025

jv

Index: Yes/No

Speaking order/Non Speaking order

Neutral Citation: Yes/No



WEB COPY



W.P.No.37245 of 2024

To

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
3. Executive Engineer,
Zone 05, Greater Chennai Corporation,
No.105, Basin Bridge Road, Royapuram,
Chennai 600 079.
4. The Assistant Executive Engineer,
Division 55, Zone 05, Greater Chennai Corporation,
No.105, Basin Bridge Road, Royapuram,
Chennai 600 079.



WEB COPY



W.P.No.37245 of 2024

R.SUBRAMANIAN, J.

and

C.KUMARAPPAN, J.

(jv)

Writ Petition No.37245 of 2024

31.01.2025