



W.P.No.38119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

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CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.38119 of 2024

1. Mr.M.Gabriel Dayanand
2. Mr.M.Jaiprakash Nathaniel
3. Mr.Benston Thasiah .. Petitioners

v.

1. Chennai Metropolitan Development Authority
rep.by its Member Secretary
'Thalamuthu Natarajan Maligai'
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008

2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003

3. Green Valley Educational Trust
rep.by its Managing Director
No.2, Kalamegam Road
Mogappair West
Chennai 600 037

.. Respondents



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents herein to perform their statutory public duty under section 56 of the Tamil Nadu Town and Country Planning Act, 1971 to restore the land in Town Survey Nos.5/7, 6/1, Athipet Ward, Ambattur Taluk, Chennai District to its original condition by demolishing the unauthorised construction made by the 3rd respondent herein without obtaining approval from the 1st and 2nd respondents herein.

For Petitioners :: Mr.S.Gokul

For Respondents :: Mr.C.Manoharan
Standing Counsel for R1
Mr.E.C.Ramesh
Standing Counsel for R2
No appearance for R3

ORDER

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

W.M.P.No.41254 of 2024 seeking to permit the petitioners to file a single writ petition stands ordered on payment of separate Court fee.

2. The writ of mandamus has been instituted to direct the respondents 1 & 2 to perform their statutory public duty under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 to restore the land in Town Survey Nos.5/7, 6/1, Athipet Ward, Ambattur Taluk, Chennai District to its



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original condition, by demolishing the unauthorised construction made by the 3rd respondent herein without obtaining approval from the 1st and 2nd respondents herein.

3. With reference to the allegations of the petitioners that the third respondent constructed the lab building, which is wholly unauthorised, this Court directed the Greater Chennai Corporation to file a status report. The Zonal Officer, Zone VII, Greater Chennai Corporation filed a counter affidavit, which reveals the following facts:-

“4. It is submitted that, against the above locking and sealing of the lab portion, the petitioner has now made a petition to department of housing & urban dated 12.06.2023 to the Government for de-sealing the lab building. The petitioner in his petition has stated that the Green Valley Central School was established by Green Valley Educational Trust, a charity from 1992. They are conducting classes from LKG to Std XII with about 900 children and 57 teaching staff. He has also stated that the lab building with Ground & First floor was constructed in Survey No.106/1 part of village for which they could not



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obtain Planning Permission from Greater Chennai Corporation during July 1996. The builder constructed the lab building without providing set back on the rear side which is a deviation. Hence, the lab building was locked & sealed by the Greater Chennai Corporation during 2013. The petitioner also stated that now he is willing to demolish the building as after constructing alternate lab building. Therefore, requested the government to unlock the lab building for the sake of offering education to children.

5. It is submitted that, in this regard, personal hearing was conducted on 24.8.2023, the petitioner attended the hearing, Greater Chennai Corporation, did not attend the hearing. Hence the hearing was adjourned.

6. It is submitted that, accordingly final hearing was conducted on 24.8.2023, the representative of the school and Greater Chennai Corporation official was present.

7. It is submitted that, GCC officials informed that the petitioner has obtained approval for the school building from CMDA planning permission letter No.REGZ/I/C7/17277 dated 23.2.2023 however, constructed additional lab building adjacent to the school premises without any approval. The said unauthorized lab



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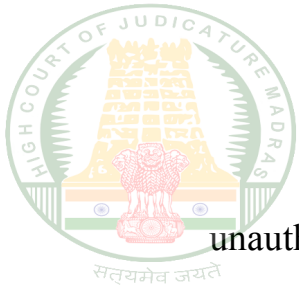


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building consisting of ground floor and first floor put up was with deviation on the set back spaces. Hence it was locked & sealed during 2013 after issuing proper notice under section 56 & 57 of Tamil Nadu Town and Country Planning Act, 1971.

8. It is submitted that, the representative informed that the said lab building alone was constructed without any approval and the setback violation was committed by the Engineer. The management of the school, is unaware of the said violation. Therefore, is requested to consider students education and to pass order remove lock & seal to enable to use of the lab.”

4. In view of the fact that the lab building is wholly unauthorized and it was locked and sealed during 2013 after issuing proper notice under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, the Greater Chennai Corporation is bound to complete the enforcement actions pursuant to the notice issued under the provisions of the Town and Country Planning Act. In view of the facts and circumstances, the second respondent is directed to execute the enforcement action by demolishing the wholly



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unauthorized lab building in the third respondent premises, within a period

of six weeks from the date of receipt of a copy of this order. The writ

petition stands allowed. No costs.

Index : yes

Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)

11.03.2025

ss

To

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2. The Commissioner
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