



W.P.No.42799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.42799 of 2025

and

W.M.P.Nos.47854 and 48794 of 2025

M/s.AA.Builders
Represented by Managing Partner,
Mr.Kumaresan.M,
Son of late A.Chakravarthy
Having Office at A76, Dr.Rajendra Prasad Street,
Sathya Moorthy Block,
Jafferkanpet, Chennai – 600 083.

... Petitioners

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Chairman,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
4. The Executive Engineer,

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Greater Chennai Corporation,
Zonal Office – XIV,
Chennai.

... Respondents

Writ Petition filed under Article 227 of the Constitution of India for
issuance of a writ of Mandamus to direct the 1st respondent to dispose the appeal
filed by the petitioner under Section 80(A) of the Tamil Nadu Town and Country
Planning Act, 1971 on 13.10.2025 at the earliest.

For Petitioners : Mr.M.L.Ramesh

For Respondents : Mr.L.S.M.Hasan Fizal,
AGP
for R1

: Mr.Sudalai Selvan, SC
for R2

: Mr.P.Prithivi Chopda,
for RR3 and 4

ORDER

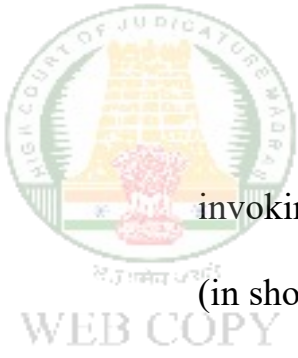
The petitioner is a building contractor. It was engaged by the owners of
the property situated in Plot Nos.1A and 1B, LIC Nagar, 5th Main Road,
Pallikaranai Chennai – 600 100. The petitioner states that it had completed the
construction as per the planning permission granted by the Greater Chennai



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Corporation. However, this came to the adverse notice of the Corporation and the Chennai Metropolitan Development Authority (CMDA). The main aspect being, the west side pillars of Plot 1A and the east side pillars of Plot 1B had no gap between them. While the petitioner pleads that they are separate pillars for independent apartments with no connection between them, the State authorities had concluded that it a consolidation (ie.,) they were jointly constructed. One of the purchasers of the flat is Ms.Kamachi Mohan. She is alleged to have animosity with the original owners of the land and petitioners. Hence, she lodged a complaint with the Town Planning Authority, as well as the Greater Chennai Corporation, claiming deviations in the construction.

2. Swinging into action on the basis of the complaint, the Greater Chennai Corporation called upon the petitioner to produce the approved plan. The petitioner states that a survey was also conducted by the Corporation. It came to a conclusion that there were deviations. Consequently, notices directing locking and sealing of the premises, followed up with a De-Occupation Notice. A couple of owners of the apartment, challenged the said proceedings by way of a writ petition in W.P.No.29458 of 2023. This Court directed the petitioners, namely, Mr.Ganesh and Mr.Santhosh, to prefer revisions before the Government,



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invoking Section 80A of the Tamil Nadu Town and Country Planning Act, 1971
(in short 'the Act').

3. The revisionary authority came to a conclusion that, though planning permissions have been obtained for two separate buildings, they have been merged into one. Accordingly, he directed the fourth respondent to issue a fresh notice. It is the allegation of the petitioner, that the fourth respondent has issued the notice, without fresh inspection of the property. Aggrieved by the notice, an appeal was preferred to the first respondent Government on 13.10.2025. As the petitioner fears further course of action at the hands of the Corporation, it has moved this Court, for a direction to dispose the statutory revision passed by the first respondent under Section 80A of the Act, and for some interim protection pending disposal of the same.

4. I heard Mr.M.L.Ramesh for the petitioner, Mr.L.S.M.Hasan Fizal, Additional Government Pleader for the first respondent, Mr.Sudalaiselvan, for the second respondent and Mr.P.Prithvi Chopda, for respondents 3 and 4.

5. It is not disputed across the bar that the revision invoking Section 80A



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of the Act has been preferred to the first respondent. It is a statutory appeal, which has to be disposed of by the Government. The petitioner urges that there is no consolidation of the two independent superstructures, whereas, the respondents 2 and 3, being subordinates to the first respondent, obviously would have to be bound by the earlier findings given by the Additional Secretary (Technical), on the earlier round of litigation.

6. If the Additional Secretary, (Technical), were to be directed to dispose the 80A revision all over again, there is a possibility that the petitioner would urge confirmation bias. In order to avoid any such objection, the revision under 80A will be dealt with by the Secretary to the Government, who has been empowered statutorily, and not by the delegated authority, namely, the Additional Secretary, (Technical).

7. The petitioner, as well as the respondents 2 and 3, are at liberty to produce such technical evidence, as is available in their hands, to prove that there is no consolidation in the buildings or to the contra. It is also open to the first respondent to appoint an independent authority, before he comes to a conclusion as to whether there is consolidation of buildings. The said exercise



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shall be completed within three months from the date of receipt of a copy of this order.

8. Mr.P.Prithvi Chopda points out that, a protective order has been passed by this Court in W.P.No.40938 of 2025 dated 03.11.2025. The said statement is recorded. It is open to the petitioner to seek for extension of the interim protection granted by the Division Bench.

9. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Neutral Citation : Yes/No

To

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Chennai – 600 009.



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2. The Chairman,
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