



W.P.No.45531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.45531 of 2025

M.I.Jaffar Ibrahim

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Petitioner

Vs.

1. Member Secretary
Chennai Metropolitan Development Authority
Thala Muthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai- 600008

2. The Commissioner
Greater Chennai Corporation
Rippon Building, EVR, Salai
Poonamalle High Road
Chennai- 600003.

3. The District Revenue Officer/
Zonal Officer, Zone X
Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam
Chennai- 600 024.

4. S.Radhakrishnan

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Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the Respondents 1 to 3 to lock and seal the offending construction existing in T.S.No.59/2, Block No.37, Mambalam Village, East Jones Road, Saidapet, Chennai -15, in terms of the section 56 and 57 Tamil Nadu Town and Country planning Act, 1971. (Removal of Unauthorised Development) Rules, 2022 in the light of the RajendraKumar Bartaya and another Vs U.P Avas Evamvikas Parishad within time stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Jeremiah

For Respondents : M/s.P.Veena Suresh
Standing Counsel
for Respondent-1

Mr.A.Arun Babu
Standing Counsel
for Respondents 2 & 3

M/s. Vedavalli Kumar
for Respondent-4

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Petitioner seeks a Mandamus to respondents 1 to 3 to lock and seal the offending construction existing in T.S.No.59/2, Block



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No.3, Mambalam village, East Zones Road, Saidapet, Chennai in terms of Sections 56 and 57 of Town and Country Planning Act, 1971.

2. The allegation is that fourth respondent has raised the illegal construction. We find that earlier, writ petition in W.P.No.28263 of 2023 was filed before this Court by present petitioner, against the same private respondent, making similar prayer, which was disposed of on 24.01.2024. Though this Court noted that there is a suit pending and status quo order has been passed and operating, taking into consideration the statement made by the authority that there are deviations in the construction made by fourth respondent, direction was issued to take appropriate action on the unauthorised construction put up by fourth respondent.

3. A direction was also given that if any application is filed by fourth respondent regarding regularisation of the building, the same shall be considered by the authorities and depending upon the



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outcome of the application, further action can be taken by the authorities.

4. Later on, a contempt petition came to be filed, alleging wilful disobedience of the order of this Court dated 24.01.2024. While disposing Contempt Petition No.2271 of 2024, vide order dated 25.09.2024, it was observed that the Court is unable to issue notice to comply with the directions. However, it was then directed that the regularisation application should be considered and disposed of, in the manner known to law, within a period of 16 weeks from the date on which the Hon'ble Supreme Court of India disposes of the matter pending before it in relation to the matter of regularisation pursuant to the Building Regularisation Scheme in terms of Section 113(c) of the Town and Country Planning Act, 1971 introduced in the year 2012.

5. The present petition has been filed by petitioner, repeating the same prayer which was made, to take action against fourth respondent on those very allegations of illegal construction made by



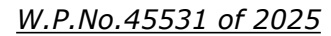
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him. By referring to an order of the Hon'ble Supreme Court passed in the case of *Rajendran Kumar Barjatya v. U.P. Avas Evam Vikas Parishad* [Civil Appeal No.14604 of 2024] and other connected matters, he would submit that now, it has been held that no regularisation would be permissible.

6. We find that the order of this Court passed on 25.09.2024 is to the effect that regularisation application of respondent therein (fourth respondent herein) should be decided within the stipulated period, after the decision on pending case before the Supreme Court in the matter of validity of the relevant rules framed by the authorities in the State of Tamil Nadu. It is not known as to whether that case has been decided or not.

7. We may also mention here that the SLP preferred against the order dated 25.09.2024 was dismissed.

8. Therefore, as long as the order dated 25.09.2024 is in force and operation, present petition is not maintainable. Leaving



(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
27.11.2025

kpl

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THE HON'BLE CHIEF JUSTICE
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G.ARUL MURUGAN,J.

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