



W.P.No.44565 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.44565 of 2025

and W.M.P.Nos.49717, 49718 and 49722 of 2025

- 1.Vijayakumar
S/o.Ponuvel
- 2.Gajalakshmi
W/o.Vijayakumar
- 3.V.Ponuvel
S/o.Velu Naicker
- 4.P.Sumathy
W/o.V.Ponuvel

All are residing at
Door No.40/125, Elaya Street,
Korukkupet,
Chennai-600 021

Petitioners

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009



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2.The Greater Chennai Corporation,
Rep. by its Commissioner,
Zone-4, Division, Chennai.

3.The Greater Chennai Corporation,
Rep. by its Executive Engineer,
Zone-4, Division, Chennai

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the first respondent in Letter No.11417868/UD 6(1) 2025-2, dated 08.10.2025 (signed on 17.10.2025) and quash the same and further forbear the respondents 2 and 3 from in anyway taking any action in respect of the petitioners property situated at 40/125, Elaya Street, Korukkupet, Chennai-600021 pursuant to their notice dated 21.04.2025 under the provisions of the Tamil Nadu Country Planning Act, 1971 and more particularly Sections 56 and 57 of the said Act and pass such further or other orders as this Hon'ble Court may deem fit under the circumstances of the case and thus render justice.

For Petitioners: Mr.L.Muralikrishnan

For Respondents: Mr.V.Veeramani
Government Advocate
for respondent No.1

Mr.A.Arun Babu
Standing Counsel
for respondent Nos.2 and 3



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ORDER

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

Heard.

2. This writ petition has been filed assailing the correctness and validity of the order dated 08.10.2025 passed by the revisional authority.

3. The twin submissions made by learned counsel for the petitioners to assail the correctness and validity of the impugned order are:

(a) the construction, even if it falls in street alignment, could not be made a basis to take action as contemplated by the authority by issuance of notice in Form-III;

(b) even if there is violation of building permission, by converting a part of the construction into commercial from residential, the petitioner is entitled for consideration



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4. The records show that notice for inspection was issued to the petitioners on 07.4.2025. The inspection, thereafter, was carried out on 15.4.2025. Having found that the construction was falling in road alignment and that it was in violation of the building permission, notice in Form-III was issued on 21.4.2025. The petitioners challenged the said notice by filing a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the revisional authority and apprehending coercive steps, rushed to file a writ petition before this Court, which was disposed of on 18.8.2025.

5. Though this Court had given liberty to the petitioners to press their application for stay with a direction to the authority to consider the stay application, the authority proceeded to decide the revision itself on merits. The order impugned shows that the petitioners' counsel was heard on 09.9.2025 and thereafter the impugned order was passed.



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6. The building permission granted to the petitioners was for construction of residential building – ground + first floor. There was no permission granted for any commercial building. It is beyond dispute that the petitioners, instead of constructing a full residential unit, constructed a shop on the ground floor with two residential dwelling units on the first floor. The inspection revealed that the construction falls into the street alignment.

7. Learned counsel for the petitioners could not dispute that the building permission was only for construction of residential house and not for any commercial building/shop. The second deviation which was found is that the building was stretched so much so that it fell into street alignment.

8. The submission of learned counsel for the petitioners that the petitioners are entitled to consideration for regularisation of unauthorised alteration of the building from residential to commercial, as also the street alignment, is not supported by any provision contained in the relevant building laws.

9. Therefore, in our opinion, there is no illegality in the order



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passed by the revisional authority warranting interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

10. The writ petition fails and, it is, accordingly, dismissed. There shall be no order as to costs. Consequently, W.M.P.Nos.49718 and 49722 of 2025 are closed. W.M.P.No.49717 of 2025 filed to permit the petitioners to file a single writ petition is allowed subject to payment of separate court-fee by the petitioners within a period of two weeks.

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

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009
- 2.The Commissioner,
Greater Chennai Corporation,
Zone-4, Division, Chennai.
- 3.The Executive Engineer,
Greater Chennai Corporation,



Zone-4, Division, Chennai

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THE HON'BLE CHIEF JUSTICE
AND
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