



WP No. 6894 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE R. SURESH KUMAR

WP No. 6894 of 2026

AND

WMP Nos. 7509 & 7507 OF 2026

Devi Furniture

Rep by its Proprietor Mr.P.Saravanan
No.78,Parthasarathy Nagar,
Part- II, Vilangadupakkam,
Chennai-600 052.

..Petitioner(s)

Vs

1. Government Of Tamil Nadu
Rep by its Additional Secretary (Technical)
Housing and Urban Development
Department, Fort St George,
Secretariat, Chennai-09.
2. Vilangadupakkam Village Panchayat
Rep by its President / Executive Officer
Puzhal Panchayat Union
Ponneri Taluk, Thiruvallur District- 600 066.
3. The Commissioner
Puzhal Panchayat Union,
Puzhal, Ponneri Taluk,
Thiruvallur District- 602 001
4. Chennai Metropolitan Development
Authority (CMDA)
Rep. By its Member Secretary
Egmore, Chennai-08.

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for records in Letter No.12341918/UD 6 (1) / 2025- 3, Dated. 02.01.2026 on the file of the 1st Respondent and quash the same and direct the 3rd respondent herein to accept the petitioner representation for regularization of the construction of the building as contemplated Under Section 56 (4) R/W Section 49 of the Town and Country Planning Act, 1971.

For Petitioner : Mr. S.Sadasharam

For Respondents : Mr. M. Habeeb Rahman,
Government Advocate G. A For Rr 1 To 3
Ms. P. Veena Suresh, Sc For R4

Order

(Order of the Court was made by The Chief Justice)

Heard learned counsel for the parties.

2. Learned counsel for the petitioner argues that the order passed by the revisional authority / Government, in exercise of powers under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') is illegal, as it takes away the petitioner's right to take appropriate measures as envisaged under Section 56(3) of the Act.



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3. We find that it is an admitted position on record that the petitioner has constructed the building without any permission whatsoever. In such situation, it was within the power of the authority to take necessary steps to issue notice and require the petitioner to demolish the illegal construction.

3. Though the petitioner had a remedy as provided under Section 56(3) of the Act, the petitioner chose to challenge the demolition notice by filing a revision petition under Section 80-A of the Act.

4. In the absence of the petitioner himself having taken recourse to the remedy available under Section 56(3) of the Act, the revisional authority did not commit any illegality because, in the absence of any such option taken by the petitioner under Section 56(3), the only course open is to proceed towards demolition.

5. However, taking into consideration that the petitioner was not well advised and instead of taking steps as envisaged under Section 56(3), he filed a revision petition, we dispose of this writ petition giving the petitioner liberty to take remedy under Section 56(3) by making an



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application under Section 49 within a period of thirty days from today. If such an application is filed, the same shall be decided on its own merits without being influenced by the order passed under Section 80-A. However, in the event the petitioner does not take the remedy for which liberty is now granted by us, the order of the revisional authority shall become effective and operative and the petitioner will have to face the consequences.

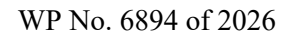
6. The writ petition is disposed of on the above terms. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (R.SURESH KUMAR J.)

02-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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