



WEB COPY

WP No. 7841 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 7841 of 2026

S.R.P.Enterprises
Represented by its Partner,
Mr. P.M. Ravindran,
Vadapalani, Chennai-600 026

..Petitioner(s)

Vs

1. EXECUTIVE ENGINEER,
Town planning section- Kodambakkam,
Greater Chennai Corporation,
No.64, NSK Salai Kodambakkam,
Chennai-600 024.
2. Doshi Constructions,
A Partnership firm Registered
under the Indian Partnership Act,
Having its registered Office at,
No.3H, Century Plaza,
No.560, Teynampet, Chennai600 018,
Represented by its Partner Mr. Mehul.H.Doshi

..Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the records relating to the undated Demolition Permission Ref. No.DA/WDCN10/00917/2025 issued by the Executive Engineer, Town Planning Section - Kodambakkam of the Greater Chennai Corporation and quash the same and thereby forbear the Respondents from in any manner proceeding with the demolition of the portions in occupation of the petitioner and its adjacent structures pending adjudication of C.S. No.574 of 2010 for all the reasons mentioned in the accompanying affidavit this Court.



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For Petitioner(s):

Mr.S.R.Rajagopal, SC
for Mr.Aditya Sarangarajan

For Respondent(s):

Mr.P.Dinesh Kumar (R1)
Mr.R.Parthasarathy, SC
for Mr.Rahul Balaji (R2)**ORDER**

This writ petition has been filed challenging the impugned demolition permission granted in favour of the second respondent for the property morefully disclosed in the demolition permission.

2. The petitioner is one of the sub-tenants under occupation of a portion of the building in question. The petitioner claims that the impugned demolition sanction has been obtained contrary to the directions issued by the Hon'ble Supreme Court in SLP (Civil) No.10336 of 2023, dated 25.01.2024. According to the petitioner, the procedure directed to be followed as directed by the Hon'ble Supreme Court has not been adhered to by the first respondent while granting impugned demolition permission.

3. Mr.P.Dinesh Kumar, learned counsel, accepts notice on behalf of the first respondent.

4. Mr.Rahul Balaji, learned counsel, undertakes to file vakalat on behalf of the second respondent, and is represented by Mr.R.Parthasarathy, learned Senior counsel.



5. At the outset, the learned Senior counsel for the second respondent on instructions would submit that with regard to the petitioner's portion of the building, which is under occupation of the petitioner as sub-tenant, the second respondent will not disturb their peaceful possession and enjoyment of the property, and they will also not disturb the petitioner's free ingress and egress to reach their property. He has also placed on record before this Court the said undertaking said to have been given by the second respondent before the first respondent. The said undertaking is hereby recorded by this Court.

6. However, the learned Senior counsel for the petitioner would submit that when the Hon'ble Supreme Court has made it clear in its order dated 25.01.2024, passed in SLP (Civil) No.10336 of 2023, that the directions imposed by the Supreme Court in the said order has to be strictly adhered to, necessarily, the same will have to be adhered to by the first respondent before granting demolition sanction in favour of the second respondent. According to him, the procedure contemplated by the Hon'ble Supreme Court in the aforesaid order has not been adhered to by first respondent, and hence, the undertaking given by the second respondent before this Court as recorded supra has to be rejected by this Court.

7. Any party approaching this Court seeking for protection of his legal right can seek protection only for himself and not on behalf of others. In the



instant case, the petitioner's right is adequately protected by the undertaking given by the second respondent before this Court that they shall not disturb the petitioner's peaceful possession and enjoyment of the property under their occupation as sub-tenant, and that the petitioner's free ingress and egress to reach their property will also not be disturbed by the second respondent.

8. In addition to the undertaking given by the second respondent before this Court, the petitioner can also seek for additional safeguards if they so require to protect their interest as a sub-tenant. The apprehension of the petitioner can be restricted only to their property and not to others, who are under occupation in the very same building, for which demolition sanction has been granted by the first respondent, which is the subject matter of challenge in this writ petition. If anyone under occupation is affected by the demolition permission, they will have to approach the appropriate legal forum by instituting separate proceedings. Since the petitioner's interest with regard to protection of their property as a sub-tenant is adequately protected by the undertaking given by the second respondent, which is an unconditional one, the blanket prayer sought for by the petitioner challenging the impugned demolition permission granted for the entire building cannot be entertained by this Court.

9. For the foregoing reasons, this writ petition is disposed of in the following manner:-



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(a) The second respondent shall not disturb and interfere with the petitioner's peaceful possession and enjoyment of their property under occupation as a sub-tenant.

(b) The second respondent shall not disturb the free ingress and egress of the petitioner or their employees to reach their property under occupation as a sub-tenant.

(c) In case of any violation, the petitioner is at liberty to approach the appropriate legal forum to adjudicate their rights.

(d) The second respondent shall not cause any hindrance to the amenities that have been so far enjoyed by the petitioner.

(e) Since the Civil Suit is pending with regard to the subject matter of the dispute, the order passed in this writ petition will not have any bearing in the civil suit.

No Costs. Consequently, connected writ miscellaneous petitions are closed.

09-03-2026

Neutral Citation: Yes/No
RKM

To

1. EXECUTIVE ENGINEER town planning
section- Kodambakkam,
Greater Chennai Corporation,
No.64, NSK Salai Kodambakkam,
Chennai-600 024



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ABDUL QUDDHOSE, J.

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