



W.P. No.9316 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P. No.9316 of 2026
and W.M.P.Nos.10037 & 10040 of 2026

C.Thirupugazh,
S/o.Chitravel Nadar,
Tenant of Shop No.C,
M.I.G. No 115, 2nd Main Road,
Thiruvalluvar Nagar,
Thiruvanmiyur Extension,
Chennai - 600 041.

.. Petitioner(s)

Vs

1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St.Geroge, Chennai - 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

3.The Executive Engineer,
Zone - 13, Greater Chennai Corporation,
Adyar, Chennai - 600 020.

4.A.R.Swaminathan,
M.I.G. No 115, 2nd Main Road,
Thiruvalluvar Nagar, Thiruvanmiyur Extension,
Chennai - 600 041.

.. Respondent(s)



W.P. No.9316 of 2026

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records in pursuant to the Impugned Letter No. 12267989 / UD8 (2) / 2025-5 dated 18.02.2026 issued by the first respondent and quash the same and consequently forbear the respondents from taking coercive or demolition action affecting the petitioner's possession of the Shop No.C, M.I.G. No.115, 2nd Main Road, Thiruvalluvar Nagar, Thiruvananthapuram Extension, Chennai - 600 004 except by due process of law.

For Petitioner(s): Mr.S.V.Karthikeyan

For Respondent(s): Mr. A.Edwin Prabakar
State Government Pleader for R1

Mrs.P.T.Ramadevi
Standing Counsel for R2 and R3

Mr.S.Prabakaran
Senior Counsel
for Mr.M.Saravana Kumar for R4

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

The writ petition is filed challenging the order dated 18.02.2026 passed by the Government rejecting the revision filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.



W.P. No.9316 of 2026

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2. According to the petitioner, he is a lawful tenant in respect of Shop No.C forming part of the commercial building bearing M.I.G. No.115, 2nd Main Road, Thiruvalluvar Nagar, Thiruvannamipur Extension, Chennai, through a valid rental agreement dated 01.06.2023. While the tenancy was subsisting, the 4th respondent had purchased the property on 01.02.2024 and with the connivance of the officials, indirectly is taking steps to evict the tenant.

3. At the instance of the 4th respondent, the officials inspected the property on 13.08.2025 and issued Form-III notice dated 18.09.2025 alleging unauthorised construction and proposing demolition. No notice or opportunity was given to the petitioner. Challenging the notice issued, the petitioner preferred a revision before the 1st respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 [hereinafter referred to as "the Act"], which was rejected through the impugned order dated 18.02.2026. As such, the tenant has assailed the order rejecting the revision in this writ petition.

4. The learned counsel for the petitioner argued that the



W.P. No.9316 of 2026

petitioner was not issued with any notice or provided with an opportunity and the 1st respondent failed to consider this vital aspect while passing the impugned order. He further submitted that the 4th respondent being the subsequent purchaser of the property, cannot be allowed to take proceedings under the Act only for the purpose of evicting the tenant. The entire action undertaken is based on the instigation and connivance between the officials and the 4th respondent.

5. Per contra, Mr.A.Edwin Prabakar, learned State Government Pleader appearing for the 1st respondent contended that the Authority had considered the revision pursuant to the directions issued by this Court on 21.01.2026 and passed a reasoned order on merits, finding that the building did not have any statutory approval.

6. Mr.S.Prabakaran, learned Senior Counsel for the 4th respondent argued that when the authorities are taking proceedings under the Act for violation of the statutory rules in putting up the unauthorised construction, particularly when the building is in a dilapidated and dangerous condition, requiring immediate demolition, which is also recorded by this Court in the earlier order, the allegation



W.P. No.9316 of 2026

made by the petitioner is completely misplaced and without any material.

7. Heard the rival submissions and considered the materials available on record.

8. The Enforcement Authorities of the Chennai Corporation had inspected the subject building on 13.08.2025 and found that unauthorised development of the building has been carried out on the premises. The details of the unauthorised construction were noted as below:-

S.No.	Description	Area
1.	Ground Floor	2341.38 sq.m
2.	First Floor	2341.38 sq.m
3.	Second Floor	2341.38 sq.m

9. Notice in Form-III came to be issued in respect of the unauthorised building. The petitioner/tenant had challenged the notice issued by filing a statutory revision before the Government under Section 80-A of the Act. The petitioner and other tenants, including the 4th respondent/owner, had participated in the enquiry before the 1st respondent. Their statements were recorded and considered by the



W.P. No.9316 of 2026

authority. A detailed order came to be passed on 18.02.2026 with the following observations:-

"13. In respect of the revision petition, the following are observed:-

(i) The subject building comprising of Ground + 2 Floors with 15 shops and Gym in 2nd Floor was constructed without any statutory approval.

(ii) The revision petitioner / owner Thiru.AR.Swaminathan has requested to vacate and handover the possession of remaining 9 occupiers in the subject building in order to complete the demolition of the entire unauthorised construction.

(iii) The Hon'ble High Court of Madras has passed an order dated 21.01.2026 in W.P.No.1029 of 2026 filed by by Tmt.S.Sivagami W/o.Thiru.AR.Swaminathan directing the Government to dispose the revision petition within a period of one month."

10. The revisional authority, on finding that the entire building was constructed without any statutory approval and the total building being an unauthorised one, had rejected the revision.



W.P. No.9316 of 2026

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11. The first contention raised by the learned counsel for the petitioner that he was not issued with any notice or afforded an opportunity before undertaking the proceedings, is liable to be rejected for the simple reason that the petitioner, being a tenant, has no say in the authorities carrying out the inspection and undertaking enforcement action in respect of unauthorised constructions. However, since the notice came to be issued, the petitioner, even being a tenant, had filed the statutory revision pursuant to which the impugned order came to be passed.

12. The next contention is that, at the instigation of the 4th respondent/owner, the authorities are undertaking the proceedings to evict the tenants. In this regard, it is to be noted that this Court, by order dated 21.01.2026 in W.P.No.1029 of 2026 filed in respect of the subject building, has made the following observations:-

"4. Considering that the issue involves a building which is alleged to be dangerous for human habitation, it would be in the fitness of things that the revision petition itself is decided at the earliest before any untoward incident happens.

5. In these exceptional circumstances, we direct the first



W.P. No.9316 of 2026

respondent to decide the revision petition itself after hearing all the parties, on a date to be fixed as early as possible, and preferably within one month from the date of receipt of a copy of this order."

13. When this Court had already observed that since the issue involves a building which is alleged to be dangerous for human habitation, the revision is to be decided at the earliest before any untoward incident happens, the petitioner, who was the 4th respondent in the said writ petition, had not chosen to seek for any recall/review of the observations made and directions issued earlier by this Court.

14. Further, when the revision has been rejected by the 1st respondent by observing that the entire building comprised in the subject property was constructed without any statutory approval, the petitioner has not produced any material or document before this Court to establish that the building was in fact constructed after obtaining any approval. In the absence of any such material being produced controverting the findings made by the revisional authorities, the petitioner cannot be allowed to make mere oral assertions that the building has statutory approval.



W.P. No.9316 of 2026

15. In view of the fact that the building has been constructed without any statutory approval and further, the building is in a dilapidated condition requiring immediate action before any untoward incident happens, as observed by this Court earlier, we find no error or infirmity in the orders passed by the 1st respondent.

16. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, interim applications are closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
21.04.2026

Index : Yes/No
Neutral Citation : Yes/No
sri

To:

1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St.Geroge,
Chennai - 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

3.The Executive Engineer,



W.P. No.9316 of 2026

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W.P. No.9316 of 2026

THE HON'BLE CHIEF JUSTICE
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W.P. No.9316 of 2026

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