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W.P.No.33267 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.06.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.33267 of 2024**

**And**

**W.M.P.No.36070 of 2024**

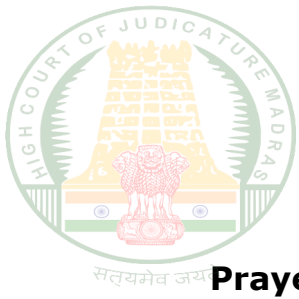
Ms.Annie Koshi

... Petitioner

Vs.

- 1.The State of Tamil Nadu  
Rep. by its Secretary to Government,  
Tamil Nadu Housing and Urban Development Department,  
Fort St.George,  
Chennai – 600 009.
- 2.Member Secretary, CMDA  
No.1, Gandhi Irwin Road,  
Egmore,  
Chennai – 600 008.
- 3.The Commissioner  
Tambaram Municipal Corporation  
28, MuthurangaMudali Street,  
Tambaram West,  
Chennai – 600 045.
- 4.Tamil Nadu Pollution Control Board  
76, Mount Salai, Guindy,  
Chennai – 600 032.
- 5.A.Natarajan
- 6.V.Balamani
- 7.Ram Prasad
- 8.M.Bakkiaraj

... Respondents



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**Prayer:**

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to revoke the building permit, if any, granted pursuant to the planning permit No.39/2021/F2 Lr.No. SD No.2/2021/F3, dated 02.02.2021 in respect of Plot No.27/A1, T.S.No.27, Block No.33 Ward No.-D, New Survey No.435/74 (part) as per TSR Extract RPT No.1229/11, R.S.No.435/5, Church Road, Zamin Pallavaram Village, Pallavaram Taluk, Chengalpet District (previously, Plot No.27A/1 in S.No.435/5 and Patta No.3002, Zamin Pallavaram village within the Registration Sub District of Pallavaram) on the ground of fraud/misrepresentation of facts/non-compliance with the terms of such planning permit and/or building permit if any in the interest of justice.

For Petitioner : Mr.K.F.Manavalan

For Respondents : Mr.L.Gokulraj for R1  
Government Counsel  
Mr.K.Mageswari for R2  
Mr.P.Srinivas for R3  
Mr.V.Rajamohan for R5 to R8  
Mr.V.Gunasekar for R4  
Standing Counsel

**ORDER**

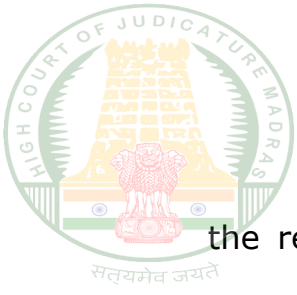
The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 2 and 3 to revoke the building permit, if any, granted pursuant to the planning permit No.39/2021/F2 Lr.No. SD No.2/2021/F3, dated 02.02.2021 in respect



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of Plot No.27/A1, T.S.No.27, Block No.33 Ward No.-D, New Survey No.435/74 (part) as per TSR Extract RPT No.1229/11, R.S.No.435/5, Church Road, Zamin Pallavaram Village, Pallavaram Taluk, Chengalpet District (previously, Plot No.27A/1 in S.No.435/5 and Patta No.3002, Zamin Pallavaram village within the Registration Sub District of Pallavaram) on the ground of fraud/misrepresentation of facts/non-compliance with the terms of such planning permit and/or building permit, if any, in the interest of justice.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property at No.21, Church Road, Radha Nagar, Chennai and the said property is located on the Southern side of the property of respondents 5 and 6. The respondents 5 and 6 illegally included in the sale deed half of the extent of a common passage and sold a portion of their property to the respondents 7 and 8. the fifth respondent claimed that he obtained planning permission and put up construction in violation of the sanctioned plan and aggrieved by the same, the petitioner's father filed W.P.No.29794 of 2013 seeking to demolish the illegally constructed portion and this Court vide order dated 02.12.2013 directed the then Commissioner, Pallavaram Municipality to consider



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the representation of the petitioner's father, however, there was no action and hence the petitioner filed W.P.No.3254 of 2021 seeking direction to the respondents 3 and 4 therein to demolish and permanently remove the unauthorized construction put up by the fifth respondent and in the said writ petition the learned counsel who appeared on behalf of the Pallavaram Municipal Corporation produced proceedings dated 02.02.2021 sanctioning permission for demolition of the building and hence the said writ petition was closed on 27.07.2023. Thereafter during demolition process, the fifth respondent caused damage to the petitioner's property. Thereafter the seventh respondent continued to demolish/ put up construction close to the petitioner's walls threatening the very stability of the petitioner's property and hence, the petitioner has filed this writ petition. The learned counsel further submitted that during the pendency of this writ petition, construction was put up by the private respondent and the same is not in terms of the building plan approved by the local body.

3.The learned counsel appearing for the third respondent submitted that the seventh respondent obtained plan approval from the third respondent and building permission on 24.04.2024. As per



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the said permission a construction of a residential structure has been permitted in door no.27A/1 Southern Part, Church Road. Under this permission, a structure with stilt plus two floors has been permitted. This structure is given the plan approval with set back on one side as per the Tamil Nadu Combined Development and Building Rules, by which the plots of upto 9 meters in width are required to leave out 1.5 meters set back on one side alone. This set back occurs on the space between the seventh respondent's plot and the plot on the side opposite to the petitioner's site. During inspection it was found that though the seventh respondent need not leave out the set back on the side of the petitioner's plot, a space of two feet has been left out by him in his plot on the side of the petitioner's house.

4.Heard both side and perused the materials available on record.

5.The grievance of the petitioner is that the seventh respondent has put up construction close to the petitioner's walls threatening the very stability of the petitioner's property.

6.Perusal of records disclose that the seventh respondent



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obtained plan approval from the third respondent and building permission on 24.04.2024. As per the said permission a construction of a residential structure has been permitted in door no.27A/1 Southern Part, Church Road. Under this permission, a structure with stilt plus two floors has been permitted. This structure is given the plan approval with set back on one side as per the Tamil Nadu Combined Development and Building Rules, by which the plots of upto 9 meters in width are required to leave out 1.5 meters set back on one side alone. This set back occurs on the space between the seventh respondent's plot and the plot on the side opposite to the petitioner's site. Though the seventh respondent need not leave out the set back on the side of the petitioner's plot, a space of two feet has been left out by him in his plot on the side of the petitioner's house.

7.In view of the above, this Court is not inclined to grant the relief sought for in this writ petition. The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**18.06.2026**

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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- To
- 1.The Secretary to Government,  
Tamil Nadu Housing and Urban Development Department,  
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**M.DHANDAPANI,J.**  
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