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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 34860 of 2026

CNR: {HCMA011965852026}

R.Devaraj ..Petitioner(s)

Vs

1. The Assistant Engineer (AE-51)
   Town Planning Department,
   Greater Chennai Corporation,
   Chennai-600 021

2. The Assistant Executive Engineer (U-12)
   Greater Chennai Corporation,
   Chennai-600 021

3. The Executive Engiener (Zone-5)
   Town Planning Department,
   Greater Chennai Corporation,
   Chennai-600 021

4. M.M.Gopinath
   S/o.Munusamy Naicker,
   No.23, Pitchandi Lane,
   Royapuram, Chennai-600 013

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice baring No.0/51/ 0032/ 2026 dated 21.07.2026 issued by the respondents and quash the same, consequently direct the respondents to not to demolishing, sealing

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dispossessing, interfering with or otherwise disturbing the petitioner peaceful possession and enjoyment of the existing building.

For Petitioner(s): No appearance

For Respondent(s): Mr.S.Gopinathan
Standing Counsel for R 1-3

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the Form 3 notice under Section 56 of the Tamil Nadu Town and Country Planning Act.

2. Notice for removal *per se* would not constitute a cause for institution of writ proceeding. Petitioner is expected to submit representation / explanation in response to the notice. If at all, lock and seal notice has been issued under Section 56 and 57 of the Act, appeal would lie under Section 80-A of the Act. Thus, an alternate remedy contemplated under the Act is to be exhausted before instituting a writ proceeding.

3. Disputed facts regarding allegations of unauthorized construction cannot be adjudicated by the High Court in a writ proceeding under Article 226 of the Constitution of India. Such disputed

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facts are to be adjudicated based on the documents as well as evidences available on record and by conducting survey.

3. In view of the said submission, petitioner is at liberty to rectify the unauthorized construction and restore the building as per the building plan permission granted by the competent authorities. In the event of failure, authorities shall proceed with the enforcement action by following all further procedures as contemplated under the relevant statutes and rules in force. The entire exercise is directed to be completed as expeditiously as possible.

4. With the above observation, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
28-10-2026

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

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S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

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