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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 40358 of 2026
CNR: {HCMA012001562026}
& WMP Nos.45312 & 45707 of 2026

Case QR

1. Soora L.Ramgopal
   s/o.Mr.Soora Nagamiah chetty
   Flat No.3-B,Ramaniyam Swarnamukhi
   No.19/6,Arundale Beach Road
   Kalashetra Colony, Besant Nagar
   Chennai-600 090.

2. Deepa Ramgopal
   s/o.Mr.Soora L.Ramgopal
   Flat No.3-B,Ramaniyam Swarnamukhi
   No.19/6,Arundale Beach Road
   Kalashetra Colony, Besant Nagar,
   Chennai-600 090

..Petitioners

Vs

1. State of Tamilnadu rep by its chief secertary
   (Housing and Urban Development department)
   Fort St.George, Chennai-600 009.

2. Chennai Metropolitan Development authority
   Rep by its member secretary
   Thalamuthu Natarajan Maaligai
   No.1, Gandhi Irwin Road
   Egmore, chennai-600 008

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3. Executive Engineer
CMDA Enforcement cell, south I
O/o.Chennai Metropolitan Development
authority, Thalamuthu Natarajan Maaligai
No.1Gandhi Irwin Road
Egmore, Chennai-600 008

4. The Commissioner /Addl.Chief secretary
Greater chennai corporation
Ripon building, chennai-600 003

..Respondent(s)

Prayer : Wrcalling for the records of the 2nd respondent in its letter No.EC/S-1/2409/2023 dated 30.7.2026 and quash the same and consequently forbearing the respondents 2 and 3 from in any manner effecting demolition of the structures erected at Flat No.3-B, 3rd floor, Ramaniyam Swarnamukhi, No.19/6, Arundale beach Road Kalashetracolony, Besant Nagar, chennai-600090 pending consideration of the regularisation application under sec.113A of the Tamilnadu Town and country planning Act 1971 before the first respondent.

For Petitioner(s): Mr.R.Thiagarajan

For Respondent(s): Mr. K.Surender
Special Government Pleader For R1
Ms. R.V.Gayatri, Standing Counsel - For R4
Mrs.Girija Velmurugan, Standing Counsel
for RR 2 and 3

ORDER

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

The present writ petition is filed challenging the de-occupation dated 30.07.2026 passed by the second respondent under Section 56(2)(iii) of the

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Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act').

2. The impugned notice is appealable under Section 80A of the Act. Exhausting alternate remedy contemplated under the Act is of paramount importance. The remedy provided under Section 80A is efficacious. The petitioner is at liberty to avail the appeal remedy provided under Section 80A of the Act. In the event of filing such appeal, the appellate authority shall consider the same without reference to the period of limitation and decide the issues on merits and in accordance with law.

3. With the above direction, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition W.M.P.No.45312 of 2026 is ordered and W.M.P.No.45707 of 2026 is closed.

(S.M.S.,J.) (R.R.V.,J.)
04-11-2026

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

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To

1. The Chief secretary
   (Housing and Urban Development department)
   Fort St.George, Chennai-600 009.

2. The Member Secretary
   Chennai Metropolitan Development authority
   Thalamuthu Natarajan Maaligai
   No.1, Gandhi Irwin Road
   Egmore, Chennai-600 008

3. Executive Engineer
   CMDA Enforcement cell, south I
   O/o.Chennai Metropolitan Development
   authority, Thalamuthu Natarajan Maaligai
   No.1Gandhi Irwin Road
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4. The Commissioner /Addl.Chief secretary
   Greater Chennai corporation
   Ripon building, Chennai-600 003

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

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