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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. 38606 of 2026
CNR: {HCMA012002202026}
& WMP No. 43311 of 2026

Case QR

S.Jambagavalli
Wife of late.V.Sridar,
Residing at Flat No.1-B, Ramaniyam
Swarnamukhi New No.39, No.19, Arundale Beach
Road, Kalakshetra Colony, Besant Nagar,
Chennai- 090.

..Petitioner

Vs

1. State of Tamil Nadu, rep by its Principal Secretary, (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.

3. Executive Engineer
CMDA Enforcement Cell, South- I ,
O/o. Chennai Metropolitan Development Authority, Thalamuthu Natarajan Maaligai,
No.1 Gandhi Irwin Road,
Egmore, Chennai- 08.

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4. The Commissioner / Addl.Chief Secretary
Greater Chennai Corporation,
Ripon Building,
Chennai- 03.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the record of the 2nd Respondent in its letter No. EC/ S-I / 2409/ 2023 dated 30.07.2026 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.1-B, Ramaniyam Swarnamukhi, New No.39, Old No.19, Arundale Beach Road, Kalashetra Colony, Besant Nagar, Chennai- 600 090 pending consideration of the regularisation application under Sec. 113 A of the Tamil Nadu Town and Country Planning Act, 1971 before the first Respondent.

For Petitioner(s): M/s.R.Thiagarajan
Vasudha Thiagarajan
A.Raj Prince

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

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