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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 35958 of 2026

CNR: {HCMA012097232026}

R.Balakrishnan

Case QR

..Petitioner(s)

Vs

1. The Commissioner
   Kundrathur Municipality,
   No. 1, Lalachtram Main Road,
   Kundrathur Municipal Office,
   Kundrathur Taluk, Kancheepuram District,
   Chennai-600 069.

2. R. Murugesan

3. M. Ganesan

4. B. Kirubakaran

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus directing the 1 respondent to remove the lock and seal fixed in the common iron grill gate providing ingress and egress, and in the temporary structure with asbestos roof to Plot 29, 30 and 31 Kamarajar Salai, Padmavati Nagar, Kundrathur, Chennai 600 069, and to permit the petitioner to remove his articles and belongings in the residential house in the said plots.

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For Petitioner(s): Mr.R.Srinivas Sr.Advocate
For Mr.V.Sundar Raman

For Respondent(s): Mr.P.Srinivas
Standing Counsel For R -1
R 2-4 Not Ready In Notice.

ORDER

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

Writ of mandamus has been instituted to direct the 1st respondent to remove the lock and seal fixed in the common iron grill gate providing ingress and egress, and in the temporary structure with asbestos roof to Plot Nos.29, 30 and 31 Kamarajar Salai, Padmavati Nagar, Kundrathur, Chennai 600 069, and to permit the petitioner to remove his articles and belongings in the residential house in the said plots.

2. Several rounds of litigations were instituted by the petitioner as well as his neighbour, who made a complaint for removal of unauthorised construction. This Court directed the authorities to complete the enforcement action by removing the unauthorised construction. Government appeal filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 also ended against the petitioner. In pursuance to the orders of the Court and the orders of the Government under Section 80A of the Act, the authorities have initiated

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further enforcement action by locking and sealing the premises. Against the said action, the present writ petition is filed.

3. Mr.R.Srinivas, learned Senior Counsel appearing on behalf of the petitioner, after completing his arguments, made a submission that petitioner himself will demolish the unauthorised construction, both permanent and temporary. Thus, petitioner was asked to file an affidavit.

4. When the matter is taken up for hearing today, Mr.R. Balakrishnan/petitioner filed a sworn affidavit stating that he will remove / demolish the unauthorised construction within a period of six weeks from the date of de-sealing of his property.

5. Learned Standing Counsel appearing on behalf of the Municipality would submit that in view of the undertaking, authorities will de-seal the premises, enabling the petitioner to demolish the unauthorised construction, both permanent and temporary.

6. In view of the above submissions made between the parties to the lis, this Court is inclined to direct the Commissioner, Municipality to de-seal the premises on 11.11.2026 (i.e., tomorrow), enabling the petitioner to commence the demolition activities. Petitioner is directed to

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demolish the unauthorised construction, both temporary and permanent, in entirety, within a period of six weeks from 11.11.2026. Authorities of the Municipality are directed to monitor the demolition activities and ensure that demolition process completes within a period of six weeks from tomorrow, as per the undertaking given by the petitioner. In the event of failure, Commissioner, Municipality shall demolish the entire unauthorised construction and recover the charges from the petitioner.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
10-11-2026

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

GD

To

1. The Commissioner
   Kundrathur Municipality,
   No. 1, Lalachtram Main Road,
   Kundrathur Municipal Office,
   Kundrathur Taluk, Kancheepuram District,
   Chennai-600 069.

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2026:MHC:4490

Order QR

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

GD

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