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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 43439 of 2026
CNR:{HCMA012499092026}
AND
WMP NO. 48751 OF 2026

R.Muniyammal
D/O.Venkatesan
No.5/4,Muthukumarappa street
Chidharajan colony
Peravallur, chennai-600 082

..Petitioner(s)

Vs

1. The State of Tamilnadu Rep by
   The Additional secretary(Technical)
   Housing and Urban Development Department
   Secretariat, Fort St.George,
   Chennai-600 009.

2. The Commissioner
   Greater chennai corporation
   Ripon building, Chennai-03

3. The Executive Engineer
   Zone-VI, Greater chennai corporation
   Ripon Building, Chennai

4. The Assistant Executive Engineer
   Unit.15, Zone-06, Greater chennai corporation
   shop No.24, Jaganathan street
   Ayanavaram, Perambur
   chennai-600 082.

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5. The Assistant Engineer
Greater chennai corporation
Div.069,Zone-06, Vasantha Nagar
chinna Chembarambakkam
Ayanavaram, Chennai-600 023

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the order dated 1.10.2026 bearing Letter No.102696291/UD-VII(1)/2025-3 passed by the 1st respondent quash the same as illegal and improper.

For Petitioner(s): Mr.S.Kingston Jerold

For Respondent(s): K.Surender
Special Government Pleader For R-1
Mr.E.C. Ramesh
Standing Counsel For R 2-5

Order

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

This writ petition has been instituted challenging the Government Order dated 01.10.2026 passed under Section 80A of the Tamil Nadu Country Planning Act, 1972 (hereinafter referred to as 'the Act').

2. One Mr.Dattatraeyi has given a complaint to remove the unauthorised building constructed by the petitioner. Since the authorities failed to initiate action, he filed W.P.No.27645 of 2024, the Division Bench of this Court

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passed an order on 12.03.2025 directing the Chennai Corporation authorities to continue the enforcement actions and demolished the unauthorised construction. In pursuance of the orders of this Court, lock and seal and demolition notice was issued. The said notice came to be challenged by the writ petitioner herein in W.P.No.19395 of 2025 and the Division Bench of this Court passed an order on 28.05.2025 directing the authorities to consider the stay application and the appeal filed under the Act.

3. Thereafter, another writ petition was filed by the writ petitioner in W.P.No.46305 of 2025 challenging the letter dated 06.11.2025, the Division Bench of this Court dismissed the writ petition on 03.12.2025. Hence, the writ petitioner filed a statutory appeal under Section 80A of the Act. The Government issued notice to the parties, conducted enquiry in detail and passed a speaking order in proceedings dated 01.10.2026, which is under challenge in the present writ petition.

4. Even at this juncture, the petitioner is unable to produce any document to establish that the building plan approval was granted by the competent authority. The land in question is also classified as “Natham”. In respect of “Natham” lands, it vests with the Government and to be regulated in accordance with the terms and conditions stipulated in RSO 21. Mere

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occupation of Natham land would not confer any ownership and assignment has to be made by the Government to the extent as stated under RSO 21 in favour of homeless poor persons. In other words, Natham lands may be utilised for public purposes or may be assigned in favour of homeless poor persons to an extent of 3 cents for construction of dwelling houses. This being the spirit of RSO 21, occupation of Natham lands by any person would not confer any ownership and such occupants are to be treated as encroachers and the Revenue Standing Orders further contemplates that such encroachments can be removed by invoking the provisions of the Tamil Nadu Land Encroachment Act. When the Revenue Standing Orders, in unambiguous terms reiterate the procedures to be followed in respect of Natham lands, the very occupation of the petitioner cannot be considered by this Court and she should be treated as encroacher.

5. Learned counsel for the petitioner would submit that the petitioner is a homeless person and is residing in the subject property for several years. The building was constructed 40 years ago and she is residing there. Now the authorities are raising objections. If the said fact is correct, then the petitioner is at liberty to submit her application to the competent authority for allotment of land in accordance with RSO 21 provided she is able to establish that she is a homeless poor person. On such receipt of application, the same may be

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considered under any one of the welfare schemes of the Government in order to protect the livelihood of the petitioner. However, in respect of the subject property, the authorities have identified that it is unauthorised occupation and no building plan permission has been obtained. The Government has afforded opportunity and the findings in the impugned order would show that the petitioner has not produced any document to establish her right.

6. That being so, this Court does not find any infirmity in respect of the impugned order dated 01.10.2026 passed under Section 80A of the Act and the enforcement actions initiated by the authorities cannot be said to be infirm. The authorities shall proceed with the enforcement actions and demolish the unauthorised construction. 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.)
30-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

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