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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 44574 of 2026
CNR:{HCMA012564932026}
AND
WMP NO. 50049 OF 2026

Case QR

K.M.G.Hasan Abdul Cader
S/o.K.M.G.Ghouse Mohammed, No.107/52, New Street, mannady, chennai - 600001.

..Petitioner

Vs

1. The State of Tamil nadu
   Rep. by its Additional Secretary (Technical),
   Housing and Urban Development Department,
   Secretariat, Chennai – 600009.

2. The Commissioner,
   Greater chennai corporation, Ripon Buildings,
   Chennai - 600003.

3. The Executive Engineer, Zone-V, Greater chennai corporation, No.9, Chidambaram 7th street, basin bridge road, Chennai - 600001.

4. Tmt.I.Mumtaz Banu,
   W/o.Mohammed Iqbal,
   No.12, Deils Street, Broadway, chennai - 600001. Represented by her power agent MR.A.Sameeulla, S/o.S.Andulla, No.37, corporation dhobi khana Ishthri lane, meenakshi amman pet, Royapuram, chennai - 600013.

..Respondents

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Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the impugned order bearing Letter No.11052439/UD 6(2)/2025-5 dated 25.09.2026 passed by the 1st respondent, quash the same as illegal, arbitrary and unjust.

For Petitioner : Mr.S.Veeraraghavan

For Respondent(s): Mr.S.Rishab Narayan
Government Advocate For R -1
Ms.R.V. Gayatri
Standing Counsel for RR 2 and 3

Order

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

This writ petition has been instituted challenging the Government Order dated 25.09.2026 passed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971. The neighbour of the petitioner filed a complaint for demolition of unauthorised construction put up by the petitioner at Door.Nos.52 and 53, New Door Nos.107 and 109, Sengalaneer Pillayar Koil Street, Mannady, Chennai-1. The Greater Chennai Corporation conducted inspection of the building and found that the building was unauthorisedly constructed. Thus, enforcement actions were initiated, lock and seal notice was issued and stop-work notice was also issued calling upon the petitioner to submit the approved plan. Thereafter, demolition and de-occupation notices

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were issued on 02.07.2024, 17.07.2024 and 08.04.2025 respectively. The petitioner challenged the said notices also and this Court passed an order on 24.06.2025 in W.P.No.10756 of 2025 filed by the complainant and directed the Corporation to take all further enforcement actions in accordance with law and complete the same within a period of twelve weeks.

2. Accordingly, the third floor of the subject property was locked and sealed on 08.08.2025. The authorities found that the petitioner has unauthorisedly constructed ground + 3 floors residential-cum-commercial building (Ground floor – 1 dwelling unit cum commercial, First Floor – 2 dwelling units, Second Floor – 2 dwelling units, Third Floor – Commercial shed for bag storage). The entire building was found to be unauthorised. Having failed before the writ court, the petitioner filed a statutory appeal under Section 80A of the Town and Country Planning Act. The Government conducted enquiry by affording opportunity to the parties and passed an order on 25.09.2026 directing the Chennai Corporation to pursue all further enforcement actions with respect to the subject building as per the provisions of the Town and Country Planning Act, 1971.

3. Learned counsel for the petitioner would submit that due to personal enmity, the neighbour preferred a complaint though the petitioner had

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obtained building plan permission. However, a copy of the same is not available with the petitioner and he seeks some time to produce the building plan permission.

4. Pertinently, even before this Court the petitioner has not produced any building plan permission. The complaint was filed in the year 2022 and thereafter the complainant filed the writ petition and this Court directed the Corporation authorities to complete the enforcement actions within a period of twelve weeks. Thereafter, the matter went upto the Hon'ble Supreme Court and the petitioner was unsuccessful. Subsequently, after the order of the Hon'ble Supreme Court, enforcement actions were initiated by the Greater Chennai Corporation authorities. Statutory appeal already filed under Section 80A has been disposed of. Once the enforcement action initiated by the Greater Chennai Corporation has been upheld by the Hon'ble Supreme Court and the Government also considered the appeal independently on merits and further directed the authorities to pursue all further action in respect of the subject building as per the provisions of the Tamil Nadu Town and Country Planning Act.

5. The submission made on behalf of the petitioner cannot be trusted upon, as all along he has not produced any building plan approval. The Corporation authorities have found that the building is wholly unauthorised.

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Therefore, in the absence of any document, the writ petition deserves no merit consideration and the writ petition stands dismissed. No costs. The authorities shall proceed with the enforcement action and proceed with the same. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.R.V.,J.)
03-11-2026

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

KST

To

1. The Additional Secretary (Technical), Housing and Urban Development Department, Secretariat, chennai – 600009.

2. The Commissioner, Greater Chennai corporation, Ripon Buildings, Chennai - 600003.

3. The Executive Engineer, Zone-V, Greater chennai corporation, No.9, Chidambaram 7th street, basin bridge road, Chennai - 600001.

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