



W.P.No.10725 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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&

W.M.P.No.11644 of 2026

1. R.Sathyan
2nd Floor, 9/4 Thandavarayan Street
Triplicane, Chennai 05.
2. B.Rajakokila
2nd Floor, 9/4 Thandavarayan Street
Triplicane, Chennai 05.

Petitioner(s)

Vs

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natrajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Commissioner
The Greater Chennai corporation
Rippon Building, Poonamallee High Road
Chennai 600 003.



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3. The Commissioner
Kattankulathur Panchayat Union
Kattankulathur 603 203.
4. The Special Officer
Nedungundrum Municipality
Nedungundrum.
5. V .Manibharathi
Villa No. B40, Nedungundrum panchayat,
Kolapakkam Village
Chengalpattu District.
6. M.Maheswaran
Villa No. B40, Nedungundrum panchayat,
Kolapakkam Village
Chengalpattu District.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 4 to forthwith initiate and complete appropriate action in accordance with the proceedings dated 17.09.2025 and 13.11.2025 bearing Reference No.0152/2025/A4 and to demolish the unauthorised construction put up by the 5th and 6th respondents in the setback area of the property bearing Door No.C-40 Plot No.3, 3rd Main Road, TVS Emerald Green Acres, Kolapakkam, Chennai 600 127 within a time frame to be fixed by this Honble Court.

For Petitioner(s): Mr.Abinesh Babu

For Respondent(s): Mrs.P.Veena Suresh
Standing Counsel for R1
Mr.P.Dinesh Kumar
Standing Counsel for R2
Mr.M.Habeeb Rahman
Government Advocate for R3 & R4
Mr.H.Adaikala Arokiaraj &
Mrs.Auxilia Peter for R5



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ORDER
(Order of the Court was made by
the Hon'ble Chief Justice)

This writ petition has been filed under Article 226 of the Constitution of India seeking direction to respondents 1 to 4 to forthwith initiate and complete appropriate action in accordance with the proceedings dated 17.09.2025 and 13.11.2025 bearing Reference No.0152/2025/A4 and to demolish the unauthorised construction put up by 5th and 6th respondents in the setback area of the property bearing Door No. C-40 Plot No.3, 3rd Main Road, TVS Emerald Green Acres, Kolapakkam, Chennai.

2. Earlier, petitioner has filed a similar writ petition in W.P.No.24580 of 2025 seeking direction to respondents 1 to 3 to take appropriate action in respect of the same Reference No.0152/2025/A4 and to remove any and all unauthorised and illegal construction put up by the 5th and 6th respondents herein on the same location.

3. This Court, while disposing of the said writ petition vide order dated 07.07.2025, passed the following order:



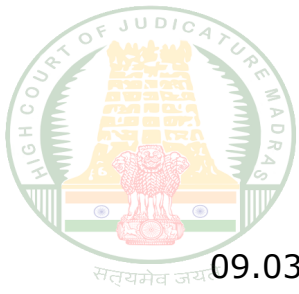
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“6. It is seen that the third respondent in his proceedings dated 28.02.2025 directed the 5th & 6th respondents, to immediately stop the work which was carried on in violation of planning permit. The 1st respondent in his proceedings dated 27.03.2025, directed the 3rd respondent to examine the veracity of the petitioners representation and to take appropriate action. Till date, the 3rd respondent has not initiated any action and therefore I am inclined to direct the third respondent to take appropriate action in accordance with law, pursuant to the notice dated 28.02.2025 and proceedings of the 1st respondent dated 27.03.2025 within a period of eight weeks from the date of receipt of a copy of this order.”

4. In compliance of the direction in earlier writ petition, official respondents had issued notice to respondents 5 and 6 herein on 17.09.2025. The said notice was challenged by respondents 5 and 6 therein before the revisional authority, namely the Additional Secretary (Technical) to Government, Housing and Urban Development Department, Secretariat, Chennai. The said revision was disposed of vide order dated 21.01.2026. In the meanwhile, respondents 5 and 6, vide letter dated 10.02.2026, stated that they had demolished the major portion of the deviated construction. Subsequently, on



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09.03.2026, a final notice was also issued to demolish the remaining deviated portion. Since the order was not being implemented in full, petitioner preferred contempt petition before this Court in Cont.P.No.523 of 2026 and the same is still pending.

5. Suppressing the aforesaid facts, petitioner has approached this Court again, with the same prayer, which amounts to *res judicata*. Petition is purely abuse of process of law and is absolutely misconceived. Therefore, petition is dismissed with costs of Rs.10,000/- (Rupees ten thousand only) payable by petitioner to the Tamil Nadu State Legal Services Authority, within a period of thirty days from today. If costs is not paid, Registry is directed to place this matter before this Court for initiating further action. Consequently, the interim application is also dismissed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
23.03.2026

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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