

J.Arugadoss Vs the commissioner

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Court : Chennai

Decided On : Apr-20-2026

Judge : Honourable Mr Justice S. M. Subramaniam, Honourable Mr. Justice K. Surender

Appeal No. : WP/18259/2021

Appellant : J.Arugadoss

Respondent : the commissioner

Judgement :

2026:MHC:1586

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM AND THE HON'BLE MR. JUSTICE K. SURENDER AND

1. J.Arugadoss

2. M. Shivakumar

3. M Janani

4. M. Mythili ..Petitioner(s) Vs

1. The Commissioner Corporation of Chennai Rippon building Chennai 600 003

2. The Executive Engineer Madhavaram Chennai 600 003

3. The Assistant Engineer Madhavaram Chennai 600 060

4. K.Vimal Raj

5. K. Sathish Kumar ..Respondent(s)

1. M.Gomathi

2. Sundari Page1 of 7 ..Petitioner(s) Vs

1. The Commissioner Corporation of Chennai Rippon Building, Chennai- 600 003.

2. The Executive Engineer Corporation of Chennai, Zone-III Bazaar Street, Madhavaram, Chennai- 600 060.

3. The Assistant Engineer Corporation of Chennai, Zone-III Bazaar Street, Madhavaram, Chennai- 600 060.

4. K.Vimal Raj

5. K.Sathish Kumar

..Respondent(s) Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 by obstructing the common pathway and the land to an extent of 9 X 70 sq.ft. comprised in Survey No. Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus directing the respondents

1 to 3 to remove / demolish the illegal structures/construction including staircase put up by respondents 4 and 5 in the common pathway situated in Survey No.306/42 at Sivaraj 3rd street, Puzhal, Chennai-66 pursuant to the representation dated 17.12.2021 made by the petitioner and ensure maintenance of the common pathway For Petitioner(s): Mr.V.Vijayshankar for Mr.N.Saravanan

Page2 of 7 For Respondent(s): Mr.G.T.Subramanian Standing Counsel for R1-3 Mr.M.Jayaseelan for R4&5 For Petitioner(s): Mr.V.Vijayshankar For Respondent(s): Mr.G.T.Subramanian Standing Counsel for R1-3 Mr.M.Jayaseelan for R4&5

Common Order

(Order of the Court was made by S.M.Subramaniam J.) Writ Petition in W.P.No.18259 of 2021 has been filed for directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 by obstructing the common pathway and the land to an extent of 9 X 70 sq.ft. comprised in Survey No. 306 / 42 situated in Sivaraj 3rd street, Puzhal, Chennai 66.

2. Writ Petition in W.P.No.645 of 2022 has been filed for directing the

respondents 1 to 3 to remove / demolish the illegal structures/construction including staircase put up by respondents 4 and 5 in the common pathway situated in Survey No.306/42 at Sivaraj 3rd street, Puzhal, Chennai-66 pursuant to the representation dated 17.12.2021 made by the petitioner and ensure maintenance of the common pathway. Page3 of 7

3. With reference to the complaint made by the writ petitioners,

competent authority of Chennai Corporation conducted cite inspection and action has been taken to issue stop work notice. Authorities found that steps constructed by respondents 4 and 5 are unauthorised, and accordingly, proposed to initiate enforcement action under the Tamil Nadu Town and Country Planning Act. Executive Engineer, Corporation of Chennai, Zone-III filed a counter and paragraph 7 and 8 reads as follows,

7. I submit that while the matter stood thus, the 4th and 5th respondents herein have tried to commence the construction activities and on knowing the same further action against their building is taken by issuing a Locking & Sealing and Demolition dated 31.01.2022 under Section 49 of Tamil Nadu Town and Country Planning Act, 1971 to the 4 th and 5th respondents herein.

8. I submit that the Greater Chennai

Corporation will take further action with respect to the unauthorized construction being put up by the 4 th and 5th respondents herein. Further with respect to the common pathway in question it is submitted that the Greater Chennai Corporation has no jurisdiction to take action encroachment made in common pathway and the petitioners have to approach the Civil Court for further relief.

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4. In view of the above factual position, respondents 1 to 3 are directed

to demolish unauthorised portion of the construction made by the respondents 4 and 5, and ensure that the building constructed by the respondents 4 and 5 are in accordance with the building plan permission granted by the Corporation.

5. Regarding pathway or its usage disputes, if any exist between the

parties, learned counsel for 4th and 5th respondents would submit that a civil suit has been instituted in O.S.No.199 of 2024. Thus, parties are at liberty to establish their respective right in the pending civil suit. However, unauthorised portion alone is directed to be demolished by the Chennai Corporation authorities within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.
(S.M.S.,J.) (K.S.,J.) 20-04-2026 Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No GD Page5 of 7 To

1. The commissioner Corporation of chennai Rippon building chennai 600 003
 2. The Executive Engineer Madhavaram Chennai 600 003
 3. The Assistant Engineer Madhavaram Chennai 600 060 Page6 of 7
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