

ITEM NO.8

COURT NO.13

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No(s).17103/2026 in SLP(C)
Nos.8044-8045/2025

LOGANATHAN

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ORS.

Respondent(s)

Date : 25-03-2026 This petition was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. N. Rajaraman, AOR

For Respondent(s) Ms. Purnima Krishna, AOR
Mr. M.F. Philip, Adv.
Mr. Karamveer Singh Yadav, Adv.
Mr. Togin M. Babichen, Adv.

Mr. K. V. Mohan, AOR

O R D E R

1. The present matter has been placed before this Court in terms of the order dated 16.02.2026 passed in SLP(C) Nos.8044-8045 of 2025, which reads as under:

“Having considered the matters, we do not find any infirmity in the impugned order warranting interference by this Court. Accordingly, the Special Leave Petitions stand dismissed.

2. Pending application(s), if any, shall stand disposed of.

3. Having said that we cannot be oblivious to the fact that

in the present case, the petitioner was able to construct a G+1 floor building without any sanction plan being approved. It speaks volumes about the conduct and the responsibility of the Municipal Corporation, which is required to be aware of the developments on the ground and also, is required to ensure that no violation of any rules and regulations or requirement relating to construction is made. A full one and a half storied building getting constructed and not even noticed by the Authorities and only thereafter, an order is passed for demolition by the very same Authorities. It indicates an alarming state of affairs as the same could not have been done without the collusion and connivance of the Municipal Authorities. Accordingly, we direct the State Government to conduct a thorough inquiry, as to why, such incidents occur where entire structures are completed without due sanction from the proper authorities, including the Municipal Corporation, without any resistance or corrective measures being taken by them to prevent such constructions.

4. Before deciding the future course of action, let learned counsel for the Municipal Corporation submit a report, as to why, the situation has been allowed to develop in the manner it has. The report to be submitted by respondent no.2 by filing a personally affirmed affidavit within three weeks.

5. List on 25.03.2026."

2. Pursuant thereto, Respondent No. 2 - Commissioner of Greater Chennai Corporation, Chennai, has filed an affidavit, stating that the violations in question were made during the period when the location of the site was outside the jurisdiction of the Chennai Corporation and was within the limits of the Madhavaram Municipality.

3. We take notice of the fact that this Court, by its earlier order dated 16.02.2026, directed the State Authorities to revisit the matter and take action in accordance with law. For the time being, we keep the issue in abeyance.

4. It has come to our notice that the Additional Secretary (Technical), Housing and Urban Development Department, Chennai, by

order dated 22.03.2024, appears to have granted relief to the persons, who have violated building norms, by directing that no coercive action be taken, while also issuing certain directions to the authorities. We are unable to comprehend how such an order could have been passed by the said authority, particularly when there was a blatant violation evident in the construction undertaken by the party concerned, and when there was a direction by the High Court to ensure that the matter was dealt with strictly in accordance with law.

5. Respondent No.1 - State of Tamil Nadu is directed to file an affidavit disclosing the details of the officer(s), responsible for passing the aforesaid order dated 22.03.2024, and also furnish an explanation as to how such an order came to be passed in the facts and circumstances stated above. The affidavit shall be filed within four weeks from today.

6. From the facts emerging in the present proceedings, and from similar matters coming before this Court, it is evident that there are apparent widespread and blatant violations of building bye-laws and land-use regulations. Constructions are frequently undertaken in blatant violation of the applicable norms and regulations, including in the prohibited areas. More importantly, upon completion, such lands and buildings are often put to uses other than those for which sanction was originally granted by the competent authority.

7. We have also been coming across cases where residential colonies are being converted into commercial areas by the unauthorised use of residential buildings and lands for commercial

purposes. Such practices are not only contrary to law and public interest, but also cause significant inconvenience and prejudice to *bona fide* residents, who have invested substantial resources in purchasing property and constructing their houses. The environmental and civic consequences of such misuse by unscrupulous elements of society are equally serious and have far-reaching implications.

8. In view of the above, we deem it appropriate to examine the issue on a pan-India basis.

9. Accordingly, all Municipal Corporations and Municipalities, as the case may be, of the capital cities of all the States and Union Territories are impleaded as party respondents.

10. The aforesaid authorities are directed to conduct a comprehensive inquiry within their respective jurisdictions to identify areas that are demarcated exclusively for residential use, but are being misused for non-residential purposes by the persons concerned. A detailed list of such cases shall be prepared and placed before this Court by way of affidavits, to be personally affirmed by the Commissioners of the concerned Corporations/Municipalities. The said exercise shall cover their entire jurisdiction, including all 'islands', which may technically claim to be outside the limits of such Corporations/Municipalities, but are located within or surrounded by the Corporation/Municipality area, if any, all residential colonies, group housing societies, and similar developed/development areas.

11. The State of Tamil Nadu, through its Chief Secretary, is also impleaded as a party respondent.

12. For assisting the Court in the present matter, we appoint Mr. Ajit Kumar Sinha, learned Senior Counsel of this Court (mobile no.- 9810048732), as *Amicus Curiae*. He is at liberty to approach this Court anytime for any further direction(s) and/or clarification. All the respondents are directed to fully cooperate with the learned *Amicus Curiae*.

13. All the newly added respondents shall get in touch with the learned *Amicus Curiae* at the earliest, for necessary guidance. A copy of their affidavit(s) shall be served on the learned *Amicus Curiae*, latest by 15.05.2026, positively.

14. Registry is directed to carry out the necessary amendments in the cause title.

15. Issue notice to the newly added respondents. Registry to take all necessary steps forthwith. Notice shall be accompanied with a copy of this order. Registry shall also inform the learned *Amicus Curiae* about the present order immediately.

16. The matter be listed on 20.05.2026, at the top of the Board.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR