

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
and  
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.6035 of 2020  
and  
W.M.P.No.7082 of 2020

V.Chitra,  
W/o.Late Viswanathan,  
Plot No.5/19,  
Gowriamman Koil 1<sup>st</sup> Street,  
Meenavar Kuppam, Injambakkam,  
Chennai 600 115. .... Petitioner

-vs-

- 1.The Government of Tamil Nadu,  
Rep. by its Secretary,  
Housing and Urban development Department,  
Fort St. George, Chennai 600 090.
- 2.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Egmore, Chennai 600 008.
- 3.The Executive Engineer,  
Zone-15, Greater Chennai Corporation,  
No.120, OMR, Sholinganallur  
Chennai 600 119.
- 4.The Assistant Executive Engineer,  
Unit-44, Zone - 15,  
Greater Chennai Corporation,  
Neelangarai, Chennai.
- 5.The Assistant Engineer,  
Division-196, Unit-44, Zone-15,  
Greater Chennai Corporation,  
Neelangarai, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the  
Constitution of India to issue a Writ of Mandamus, directing the  
respondent 3 to 5 not to take any coercive action of lock and  
sealing of the premises situated at Plot No.5/19, Gowriamman

Koil 1<sup>st</sup> Street, Meenavar Kuppam, Injambakkam, Chennai 600 115, pending disposal of special revision under section 80-A of the Town and Country Planning Act, 1971 on the file of 1<sup>st</sup> respondent.

For Petitioner :Mr.S.Santhan

For Respondents:Mr.P.S.Sivashanmuga Sundaram (for R1)  
Special Government Pleader

Mr.Karthik Rajan (for R2)

Mr.Raja Srinivas (for R3 to R5)

#### O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J.)

The petitioner has put up construction, according to the respondents without any approval plan. Therefore, lock and seal notice and demolition notice was issued on 02.08.2019. De-occupation notice was also issued on 10.10.2019. Lock & seal and demolition notice issued on 02.08.2019 in the name of the petitioner was served upon one K.Kanchana on 06.08.2019. Subsequently de-occupation notice was also not served upon the petitioner. However, xerox copy of the said notice alone was provided to the petitioner. In view of that, the petitioner filed an application before the 1<sup>st</sup> respondent for exemption under Section 113-C of Town and Country Planning Act, 1971, after paying necessary charges to the 1<sup>st</sup> respondent. The Petitioner has already filed W.P.No.5177 of 2020 challenging the de-occupation notice in which this Court has directed the petitioner to file statutory appeal under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 and permitted the petitioner to withdraw the Writ Petition with liberty to file a fresh writ petition. Accordingly, the petitioner has filed statutory appeal under Section 80-A of Tamil Nadu Town and Country Planning Act before the 1<sup>st</sup> respondent on 28.02.2020. Under those circumstances, now the petitioner has come before this Court seeking a writ of mandamus directing the respondents 3 to 5 not to take any coercive steps till the special revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on the file of the 1<sup>st</sup> respondent is disposed of.

2.Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader takes notice on behalf of the 1<sup>st</sup> respondent; Mr.Karthik Rajan, learned counsel takes notice on behalf of the 2<sup>nd</sup> respondent and Mr.Raja Srinivas, learned counsel takes notice on behalf of respondents 3 to 5.

3.Heard the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents.

4.Admittedly, a revision is pending before the 1<sup>st</sup> respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. Though it is contended by the learned Special Government Pleader that the stay petition is also pending and power is vested with the authorities to grant stay, taking into consideration, the earlier writ petition and to avoid multiplicity of proceedings, this Court stays all further proceedings till the disposal of 80-A revision petition before the 1<sup>st</sup> respondent. The stay petition pending before the 1<sup>st</sup> respondent is disposed of only on the above terms. The 1<sup>st</sup> respondent is directed to dispose of the revision filed by the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS III-MDU)

//True Copy//

Sub Assistant Registrar

To

The Secretary,  
Government of Tamil Nadu,  
Housing and Urban development Department,  
Fort St. George, Chennai 600 090.

+1cc to Mr.Karthik Rajan, Advocate sr.20825  
+1cc to Mr.S.Santhan, Advocate Sr.21734  
+1cc to Mr.K.Rajasrinivas, Advocate Sr.21130  
+1cc to the Government Pleader sr.21202

W.P.No.6035 of 2020

ssi[co]  
srg 04/06/2020