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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN  
and  
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.17173 of 2021  
and  
W.M.P.No.18197 of 2021

M/s. Sri Muthukumaran Educational Trust,  
Represented by Managing Trustee  
Tmt. R.Gomathi, F/72 Years,  
W/o.A.N.Radhakrishnan,  
No.61, Ramasamy Salai,  
K.K.Nagar Chennai- 600 078.

...Petitioner

Vs

1. The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Chennai-9

2. Chennai Metropolitan Development Authority,  
Rep. by its Member Secretary,  
No.1, Gandhi Irwin Road,  
Chennai-600 008.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, forbearing the 2nd respondent from in any way interfering with the petitioner's building put up at Poonamallee Kundrathur Road, Mangadu, Chennai comprised in S.Nos.273 part, 274, 275, 276/1, 277, 283/1, 283/2, 285, 286, 287/1, 287/2A, 288/1& 289/2 of Mangadu and Chikkarayapuram Village within the limit of Mangadu Town Panchayat more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's Appeal Petition and stay petition dated 17.05.2019 filed under section 80(A) and 80A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

For Petitioner : L. Chandrakumar



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For Respondents : Mrs.R.Anitha, Government  
Advocate for R1.  
Mr. P.S. Ganesh,  
Standing Counsel for R2.

O R D E R

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

The matter has been heard through "Video Conference".

2.The Petitioner is the owner of the property to an extent of 25 acres of land situated at Poonamallee Kundrathur Road, Mangadu, Chennai comprised in S.Nos.273 part, 274, 275, 276/1, 277, 283/1, 283/2, 285, 286, 287/1, 287/2A, 288/1& 289/2 of Mangadu and Chikkarayapuram Village within the limit of Mangadu Town Panchayat. The petitioner submitted that they have constructed 14 blocks of building in the aforesaid land in the year 2002 itself and running a group of educational institutions including hostels for their students and to construct additional blocks, the Petitioner obtained sanction in the year 2016 itself.

3.However on 29.04.2019, the Second Respondent issued locking and sealing notice to the Petitioner alleging that 14 blocks have been constructed unauthorizedly without any approved plan. Aggrieved over the same, the Petitioner has preferred an Appeal under Section 80A of the Town and Country Planning Act, 1971 on 17.05.2019 and the same is pending before the First Respondent. However, subsequently, de-occupation notice was issued on 09.08.2021 and the Respondents are attempting to seal the building terming it as unauthorized building. Therefore, the Petitioner has come before this Court by way of this Writ Petition.

4.Heard Mr.L.Chandrakumar, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned Government Advocate for the First Respondent and Mr.P.S.Ganesh, Learned Standing Counsel for the Second Respondent.

5.Taking note of the fact that the Petitioner has already filed an Appeal under section 80A of the Town and Country Planning Act, 1971 and the same is pending before the First Respondent, this Court directs the First Respondent to dispose of the said Appeal within a period of four months from the date of a receipt of a copy of this order, after giving opportunity to the Petitioner. Till the Appeal filed by the Petitioner is disposed of and the copy of the order is served upon the Petitioner, no coercive steps shall be taken by the Respondents against the Petitioner.



6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

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s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,  
State of Tamil Nadu,  
Housing and Urban Development Department,  
Fort St. George, Chennai-9

2. The Member Secretary,  
Chennai Metropolitan Development Authority,  
No.1, Gandhi Irwin Road,  
Chennai-600 008.

+1 CC to Mr.L. Chandrakumar, Advocate sr 40955

+1 CC to The Government Pleader sr 41358.

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and  
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PCH(CO)  
SP(01/09/2021)