



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM  
and  
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.19096 of 2021  
and WMP.No.20378 of 2021

1. T.Selvaraj
2. T.Murugesan
3. T.Sekar

...Petitioners

Versus

1. Chennai Metropolitan Development Authority,  
Rep. by its Member Secretary,  
No.1, Gandhi Irwin Road, Egmore,  
Chennai 600 008.
2. Government of Tamil Nadu,  
Rep. by its Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Chennai 9.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the first respondent or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Door No.39 (New Door No.83), Anna Pillai Street, Sowcarpet, Chennai 600 001 pending determination of the Revision Petition submitted by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act, dated 17.02.2021 with the second respondent.

For Petitioner : Mr.R.Mohan

For Respondents

for R1 : Mr.P.S.Ganesh

for R2 : Mr.C.Jayaprakash



## ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

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The Writ Petition is heard through video conferencing.

2. The petitioners have come forward with this Writ Petition for issuance of a Writ of Mandamus, forbearing the first respondent from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Door No.39 (New Door No.83), Anna Pillai Street, Sowcarpet, Chennai 600 001, pending determination of the Revision Petition submitted by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act, dated 17.02.2021 with the second respondent.

3. The petitioners are the owners of the building situated at Door No.39 (New Door No.83), Anna Pillai Street, Sowcarpet, Chennai 600 001. The petitioners would claim that they got planning permission in the year 1999 and constructed ground + mezzanine + 4 floors. Since there is slight variation in the construction, they applied for regularisation under Section 113-A, which is pending with CMDA.

4. However, on 18.01.2021, the second respondent issued locking and sealing notice to the petitioners alleging unauthorised construction. Aggrieved over the same, the petitioners have preferred an appeal under Section 80A of the Town and Country Planning Act, 1971 on 17.02.2021 and the same is pending before the second respondent. Subsequently, de-occupation notice was issued on 02.09.2021 and the respondents are attempting to seal the building terming it as unauthorized building. Therefore, the petitioners have come before this Court by way of this Writ Petition.

5. Heard the learned counsels appearing on either side and perused the materials available on record.

6. Taking note of the fact that the petitioners have already filed an appeal under Section 80A of the Town and Country Planning Act, 1971, and the same is pending before the second respondent, this Court directs the second respondent to dispose of the said appeal within a period of three months from the date of receipt of a copy of this order, after giving opportunity to the petitioners. Till the appeal filed by the petitioners is disposed of and the copy of the order is served upon the petitioners, no coercive steps shall be taken by the respondents against the petitioners.



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

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Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

To

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

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

+1 CC to Mr.R.Mohan, Advocate, Sr.No. 46096.

+1 CC to The Government Pleader, Sr.No. 46521.

W.P. No.19096 of 2021

PVS (CO)  
LS (01/10/2021)