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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 30.11.2021

CORAM:

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

W.P. No.20107 of 2021  
and  
WMP.No.21382 of 2021

R.M.Niranjana Kumar

.. Petitioner

Versus

1. Government of Tamilnadu,  
Rep. by its Secretary to Government,  
Housing & Urban Development Department,  
Secretariat, Chennai 600 009.
2. Corporation of Chennai,  
Rep. by its Commissioner,  
Ripon Building, Chennai 600 003.
3. The Executive Engineer,  
Corporation of Chennai, Zone-IX,  
Unit 25, Division 124,  
No.1, Lake Area 4th Cross Street,  
Nungambakkam, Chennai 600 034.
4. Arulmighu Kabaleeswarar Temple,  
Rep. by its Joint Commissioner,  
Hindu Religious & Charitable Endowment Board,  
North Mada Street, Mylapore,  
Chennai 600 004.

5. R.Natarajan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to forbear them from in anyway interfering with the petitioner's shop portion situated at No.5, Ramakrishna Mutt Road, Mylapore, Chennai 600 004 particularly by way of locking and sealing or demolition of the same, pending final determination by the 2nd and 3rd respondents of the revised plan dated 22.07.2021 filed by fourth respondent under Section 49 of the Town and Country Planning Act.



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For petitioner : Mr.S.Umapathy  
For respondents  
for R1 : Mr.L.S.M.Hasan Fizal,AGP  
for RR2 & 3 : Mr.K.Raja Shrinivas  
for R4 : Mr.A.K.Sriram  
for A.S.Kailasam Associates.

#### ORDER

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

The Writ Petition is heard through video conferencing.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from anyway interfering with the petitioner's shop situated at No.5, Ramakrishna Mutt Road, Mylapore, Chennai.

3. Heard Mr.S.Umapathy, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the first respondent, Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 2 and 3 and Mr.A.K.Sriram, learned counsel appearing for A.S.Kailasam Associates, learned counsel for the fourth respondent.

4. The petitioner is a lessee of the fourth respondent. It appears that based on the complaint of the fifth respondent, the officials of the Greater Chennai Corporation initiated proceedings and issued lock and seal notice and de-occupation notice. Challenging the the same, the petitioner filed a special revision under Section 80A of the Tamilnadu Town and Country Planning Act and the same was disposed of on 09.06.2021, wherein the Government directed the fourth respondent to submit an application to obtain necessary planning permission.

5. The learned counsel appearing for the respondents 2 and 3 would state that the fourth respondent has already submitted an application for regularisation of the building and the same will be considered by the third respondent, who is the competent authority.

6. In the light of the above, we hereby direct the third respondent to pass orders on the regularisation application



filed by the fourth respondent, dated 29.11.2021, within a period of three months after affording ample opportunity to the necessary parties. Till then, the official respondents shall maintain status quo as on date.

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Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,  
Government of Tamilnadu,  
Housing & Urban Development Department,  
Secretariat, Chennai 600 009.
2. The Commissioner,  
Corporation of Chennai,  
Ripon Building,  
Chennai 600 003.
3. The Executive Engineer,  
Corporation of Chennai, Zone-IX,  
Unit 25, Division 124,  
No.1, Lake Area 4th Cross Street,  
Nungambakkam, Chennai 600 034.
4. The Joint Commissioner,  
Arulmighu Kabaleeswarar Temple,  
Hindu Religious & Charitable Endowment Board,  
North Mada Street, Mylapore,  
Chennai 600 004.

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.62396  
+1cc to A.S.Kailasam Associates, Advocate, S.R.No.62526

W.P. No.20107 of 2021

PM[co]  
NSK 13/12/2021