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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM:

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

W.P.Nos.23716 and 23721 of 2021
and
W.M.P.Nos.24963 and 24970 of 2021

M/s Chennai Vazh Thiruthangal
Hindu Nadar Uravinmurai Dharma Fund,
a Society Rep. by its Secretary,
Thiru D.Subbiah
S/o Thiru A.Duraisamy, M/A-69 years,
having office at No.113,
P.A.N.Rajarathinam Salai,
Chennai - 600021.

...Petitioner in both petitions

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building,
Chennai - 600 003.
3. Greater Chennai Corporation,
Rep. by its Executive Engineer,
Zone - 01, Division - 012,
Thiruvottiyur,
Chennai - 600 021.

...Respondents in both petitions

Prayer in W.P.No.23716 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the petitioner's building at No.1050/11, Thiruthangal Nadar Vidhayalaya, T.H.Road, Thangal, Thiruvottiyur, Chennai - 600019 in pursuance to their office notice vide Letter No.01/02094/2021 dated 17.08.2021 for Lock & Seal and Demolition of the same, pending final determination of the petitioner's special revision



petition dated 18.10.2021 by the first respondent under Section 80(A) and 80(A) (3) of the Town and Country Planning Act, 1971.

Prayer in W.P.No.23721 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the petitioner's building at No.1051, Thiruthangal Nadar Vidhayalaya, T.H.Road, Thangal, Thiruvottiyur, Chennai - 600019 in pursuance to their office notice vide Letter No.01/02093/2021 dated 17.08.2021 for Lock & Seal and Demolition of the same, pending final determination of the petitioner's special revision petition dated 18.10.2021 by the first respondent under Section 80(A) and 80(A) (3) of the Town and Country Planning Act, 1971.

In both petitions:-

For petitioner : Mr.D.S.Rajasekaran

For respondents : Mr.L.S.M.Hasan Fizal
Govt. Counsel (for R1)
Mr.K.Raja Shirinivas
Senior Standing Counsel (for R2 & R3)

COMMON ORDER

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

Mr.Hasan Fizal, learned Government Counsel takes notice for the first respondent and Mr.K.Raja Shirinivas, learned Senior Standing Counsel takes notice for the respondents 2 and 3. By consent, both the writ petitions are taken up for final disposal at the admission stage itself.

2.These writ petitions have been filed seeking for issuance of a Writ of Mandamus forbearing the respondents 2 and 3 from interfering with the petitioner's building at Nos.1050/11 and 1050, Thiruthangal Nadar Vidhayalaya, T.H.Road, Thangal, Thiruvottiyur, Chennai - 600019 in pursuance to their office notice vide Letter Nos.01/02094/2021 and 01/02093/2021 dated 17.08.2021 respectively, for Lock & Seal and Demolition of the same, pending final determination of the petitioner's Special Revision Petitions dated 18.10.2021 by the first respondent under Sections 80(A) and 80(A) (3) of the Town and Country Planning Act, 1971 (herein after referred as Act).

3.The petitioner is a Society registered under the Societies Registration Act. It is the case of the petitioner that in the year 2009, planning permissions were granted to the petitioner for construction of buildings. As per the approved plans, they put up constructions, however, on 17.08.2021, lock and seal and



demolition notices were issued alleging that the buildings are unauthorised constructions and there are deviations.

4.The learned counsel for the petitioner Mr.D.S.Rajasekaran would state that aggrieved over the notices dated 17.08.2021, the petitioner has preferred Special Revision Petitions under Section 80(A) of the Act before the first respondent and when the issue was pending with the Government, the respondents 2 and 3 are attempting to interfere with the enjoyment of the petitioner. He would further submit that it would suffice, if a suitable direction is issued to the first respondent to dispose of the Special Revision Petitions dated 18.10.2021 within a time framed.

5.The learned Government Counsel appearing for the first respondent would state that the first respondent is ready to dispose of the Special Revision Petitions preferred by the petitioner in accordance with law.

6.In the light of the prayer sought for in these writ petitions and the submissions of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to pass orders on the Special Revision Petitions dated 18.10.2021 on merits and in accordance with law, after providing ample opportunity to the petitioner, within a period of six months from the date of receipt of a copy of this order. Till then, the respondents are directed to maintain status quo as on date.

7.With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.



2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

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3. The Executive Engineer,
Greater Chennai Corporation,
Zone - 01, Division - 012,
Thiruvottiyur,
Chennai - 600 021.

+2cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.57365 & 57364

+1cc to the Government Pleader, S.R.No.57891

W.P.Nos.23716 and 23721 of 2021
and
W.M.P.Nos.24963 and 24970 of 2021

SPD(CO)
RGA(22/11/2021)