

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.9939 of 2022 and W.M.P. No.9665 of 2022

T.Soundarajan

... Petitioner

vs

1.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 005.

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

3.The Executive Engineer, Zone-X,
Greater Chennai Corporation,
No.117, N.S.K.Salai,
Kodambakkam, Chennai - 600 024.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the 2nd and 3rd respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in Door No.5/2, 6th Street, Jai Nagar, Arumbakkam, Chennai-106, till the disposal of the petitioner's Appeal petition submitted under Section 80-A of the Tamil Nadu Town and Country Planning to the first respondent.

For Petitioner : Mr.V.Raghavachari,
for Mr.S.Mohamed Uduman

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R1
Mr.K.Raja Shrinivas,
Standing Counsel for Corporation
for R2 and 3

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner herein has come to this Court with this petition for issuance of a writ of Mandamus under Article 226 of the Constitution of India forbearing respondents 2 and 3 or anybody on their behalf from initiating any coercive action with regard to property, situated at Door No.5/2, 6th Street, Jai Nagar, Arumbakkam, Chennai-106, till the disposal of his Appeal/Revision submitted under Section 80-A of the Tamil Nadu Town and Country Planning before the first respondent.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the land and building, situated at Door No.5/2, 6th Street, Jai Nagar, Arumbakkam, Chennai-106. After obtaining planning permission in PPA. No.PPA/WDCN10/02351/ 2014 on 09.05.2014 for construction of stilt + 3 floors in the subject property, the petitioner put up construction, without deviating the approved planning permission. While so, the third respondent has issued a lock and seal and demolition notice on 07.06.2017 alleging deviations made in the structure of the building. Aggrieved thereby, when the petitioner has filed an Appeal to the competent authority seeking planning permission to regularise the minor deviations, the same was rejected by order dated 06.12.2017. Thereafter, the petitioner has moved an Appeal/Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act. Learned counsel appearing for the petitioner further submitted that since the same is pending before the first respondent for consideration, the respondents shall not be allowed to make the pending Appeal/Revision infructuous.

3.Heard both sides.

4.Since the Appeal/Revision filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act is pending for consideration before the first respondent, both the parties are directed to maintain status quo till the disposal of the above Appeal/Revision. The first respondent is directed to dispose of the above Appeal/ Revision as expeditiously as possible. With the above direction and observation, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

vga

To

1.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 005.

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

3.The Executive Engineer, Zone-X,
Greater Chennai Corporation,
No.117, N.S.K.Salai,
Kodambakkam,
Chennai - 600 024.

+2ccs to Mr.S.Mohamed Uduman, Advocate SR.No.27100

+1cc to Special Government Pleader SR.No.27154

W.P.No.9939 of 2022 and W.M.P. No.9665 of 2022

SKM(CO)
GMY(02/05/2022)