



WEB COPY



W.P.No.14434 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.No.14434 of 2022
and WMP.No.13650 of 2022

G.J.Sivakumar

...petitioner

Vs.

1. State of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 09.
2. The Assistant Engineer,
Greater Chennai Corporation,
Shenoy Nagar, Chennai 30.
3. The Assistant Executive Engineer,
Greater Chennai Corporation,
Zonal Officer-Zone VIII,
No.36-B, Pulla Avenue,
Shenoy Nagar, Chennai 30.
4. The Executive Engineer,
Greater Chennai Corporation,
Shenoy Nagar, Chennai 30.

...respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the respondents 1 to 4



W.P.No.14434 of 2022

from taking any coercive action with respect to building put up in plot No.1115, G Block, 19th Street, Anna Nagar West, Chennai 40, pending determination of revision under Section 80-A of the Town and Country Planning Act, 1971, on the file of the first respondent.

For petitioner	: Mr.V.Lakshminarayanan
For respondents	
for R1	: Mr.K.V.Sajeev Kumar, Spl.G.P.
for R2 to R4	: Mr.K.Raja Shrinivas, Standing Counsel for Corporation

ORDER

(The Order of the Court was made by T.RAJA, J)

The petitioner has come up with this Writ Petition for issuance of Writ of Mandamus, forbearing the respondents 1 to 4 from taking any coercive action with respect to building put up in Plot Nos.1115, G Block, 19th Street, Anna Nagar West, Chennai 40, pending determination of revision under Section 80A of the Town and Country Planning Act, 1971, on the file of the first respondent.

2. Mr.V.Lakshminarayanan, learned counsel for the petitioner submitted that the petitioner is the owner of the plot No.1115 at G Block, 19th Street, Annanagar West. On 17.08.2021, he obtained planning permission for construction a building. Subsequently, he got revised



W.P.No.14434 of 2022

planning permission vide planning permit No.419 of 2022, dated 28.01.2022. Thereafter, he commenced construction as per the approved plan for stilt plus three floors. While so, one Mrs.Sujatha, lodged a complaint alleging deviation. The second respondent without verifying the veracity of the complaint and without conducting filed inspection, issued notice dated 22.03.2022 under Sections 56 and 57 read with 85 of the Town and Country Planning Act, 1971 calling upon the petitioner to produce the approved plan. On 25.03.2022, the petitioner submitted the approved plan. However, the fourth respondent issued Locking & Sealing and Demolition Notice dated 29.04.2022. Aggrieved over the same, the petitioner preferred appeal/special revision under Section 80-A of the Act on 12.05.2022, which is pending before the Government. Since no action has been taken on the appeal, the present petition is filed.

3. Mr.K.Raja Shrinivas, learned Standing Counsel appearing for the respondents 2 to 4 submitted that on receipt of the complaint, the petitioner was directed to produce the approved plan. After production of the approved plan, the building was examined and found that there is some deviation. Hence, Locking and Sealing Notice dated 29.04.2022 has been issued.



W.P.No.14434 of 2022

4. Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the first respondent submitted that the appeal/special revision preferred by the petitioner is pending for consideration before the first respondent and he is ready to pass orders in accordance with law.

5. In the light of the submissions of the learned counsels appearing on either side and also considering the limited scope of the prayer sought for in the Writ Petition, this Court without going in to the merits of the matter, directs the first respondent to dispose of the appeal preferred by the petitioner under Section 80-A of the Town and Country Planning Act, dated 12.05.2022, on merits and in accordance with law, after affording ample opportunity to the necessary parties, within a period of three months. Till then, the parties are directed to maintain *status quo* as on today.

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

(T.R.J.) (K.B.J.)
13.06.2022

Index : Yes / No
Speaking order: Yes/No
pvs



W.P.No.14434 of 2022

To

1. The Secretary to Government,
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W.P.No.14434 of 2022

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