



W.P.No.29683 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29683 of 2022
and
W.M.P.No.29073 of 2022

M/s.Vandalur Park Residency
Apartment Owners Association
Represented by its President
B.Balasubramanian
No.3, GST Road, Urapakkam,
Chengalept – 603 210.

...Petitioner

Vs.

- 1.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
- 2.Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.



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3.M/s.Ganapathi Leather Products (P) Limited,
Rep. by its General Manager and Authorized Signatory,
N.S.Kannan having Office at
No.9, Wellington Estate 2nd Floor,
No.53, Commander in Chief Road,
Egmore, Chennai – 600 008.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the 2nd respondent to forbear from in anyway interfering with the building situated at Block No.1 to 5, at No.3, GST Road, Kilambakkam, Urapakkam, Chengalpattu comprised in Survey Nos.145/1, 2 and 148/15 of Kilambakkam Village, Kattankolathur Panchayat Union, Chengalpattu District, particularly, by way of locking and sealing or demolition of the same, pending final determination of the petitioner's Special Revision Petition appeal No.13616/2022 dated 22.07.2022 under 80(A)(3) of the Town and Country Planning Act, 1971 by the 1st respondent.

For Petitioner : Mr.X.Selvam Sounder

For Respondents : Mr.Vadivelu Deenadayalan,
Additional Government Pleader for R1

Mr.C.N.Vinobha,
Standing Counsel for R2



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ORDER

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(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Considering the limited prayer sought for, notice to the 3rd respondent is deemed unnecessary. Mr.Vadivelu Deenadayalan, learned Additional Government Pleader takes notice for the 1st respondent. Mr.Vinboha, learned counsel takes notice for the 2nd respondent.

2. The petitioner seeks a writ of mandamus forbearing the respondents from taking any coercive action pursuant to the locking and sealing or demolition notice dated 20.06.2022 till the final determination of the petitioner's final revision filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. Noticing that there are violations in the constructed building, which is occupied by the members of the petitioner Association, the civic Authorities after 16 years of the development invoked the powers under the Development Regulations and issued notice seeking restoration of the building in consonance with the approved plan.

3. Aggrieved by the said action, the petitioner Association has



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moved the Secretary to the Government by way of Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The prayer of the petitioner is that the status quo has to be maintained till such time the revision is disposed of.

4. Considering the fact that it has taken the Authorities to take 16 long years to initiate action for development in violation of the approved plan, we find that the balance of convenience is in favour of the petitioner. Hence, there will be a mandamus forbearing the respondents from taking any coercive action till the disposal of the revision under Section 80A pending before the Government. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
10.11.2022

dsa
Index :No
Internet :Yes
Speaking order



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To:-

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- 1.The Member Secretary,
CMDA, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai – 8.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai – 3.
- 3.The Zonal Executive Engineer,
Zone IX, 4, 4th Cross Street,
Lake View Road, Nungambakkam,
Chennai – 34.



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and
K.KUMARESH BABU, J.

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