



W.P.No.26505 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

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

W.P.No.26505 of 2022
and
W.M.P.No.25573 of 2022

M.Rukmani

...Petitioner

Vs.

- 1.The Government of Tamilnadu,
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Chennai – 600009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai – 600003.
- 3.The Executive Engineer,
Zone IV, Division 038,
Greater Chennai Corporation,
266, Thiruvottiyur High Road,
Old Washermenpet, Chennai – 600021.
- 4.The Assistant Executive Engineer,
Unit 09, Greater Chennai Corporation,
Tondiarpet, Chennai – 600081.



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5. The Assistant Engineer,
Division 38,
Tondiarpet, Chennai – 600081.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, forbearing the respondents 2 to 5 from in any way taking coercive steps like locking and sealing or demolishing the building in the premises situated at Number 15/9, Ennore High Road, Ajees Nagar, Tondiarpet, Chennai – 600081, pursuant to the De-occupation notice dated 16.04.2022, issued by the respondents 3 to 5 bearing Letter No.04/00056/2022, pending the disposal of the statutory remedy availed by the petitioner under Section 80A of Tamil Nadu Town and Country Planning Act, before the 1st respondent on 06.06.2022 in Appeal No.9938/2022.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.Vadivelu Deenadayalan

Additional Government Pleader for R1

Mr.D.B.R.Prabhu

Standing Counsel for R2 to R5



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ORDER

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

The petitioner, who was served with De-occupation notice under Sections 56 & 57 r/w. 85 of the Town and Country Planning Act had filed a statutory special revision under Section 80-A of the Tamil Nadu Town and Country Planning Act before the 1st respondent.

2.The grievance of the petitioner is that the 1st respondent has not considered her application for stay, pending the revision. Section 80-A(iii) empowers the 1st respondent to grant stay of operation of the impugned notices issued by the Chennai Corporation while enforcing the provisions of the Town and Country Planning Act, pending revision filed under Sub-Section 1 of Section 80-A.

3.It is the contention of the learned counsel that the power of stay is seldom exercised by the 1st respondent and the application for stay is also disposed of along with the main appeal, forcing the petitioner to approach this Court seeking interim protection.



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4.Considering the above, this Writ Petition is disposed of with a direction to the 1st respondent to consider the application for stay filed under Section 80-A(iii) within a period of three weeks from the date of receipt of a copy of this order. Till such time, the Corporation shall not enforce the de-occupation notice. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
29.09.2022

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Index:No
Internet:Yes
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