



W.P.No.27606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

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

W.P.No.27606 of 2022
and
W.M.P.Nos.26865 and 26867 of 2022

G.Ponraj

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Greater Chennai Corporation,
Rep. by its Commissioner,
E.V.R.Periyar Salai, Rippon Buildings,
Chennai – 600 003.
- 3.The Executive Engineer,
Greater Chennai Corporation,
Zone – VI, Zonal Office,
No.158, Strahans Road,
Pattalam, Chennai – 600 012.



W.P.No.27606 of 2022

4.The Assistant Executive Engineer,
Greater Chennai Corporation,
Zone-06, Unit 15, Shop No.24,
Jaganathan Street, Agaram,
Perambur, Chennai – 600 082.

5.The Assistant Engineer,
Greater Chennai Corporation,
Ward 64, Zone – 06, Unit – 15,
Subramaniapuram 2nd Street,
Kolathur, Chennai – 600 099.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned De-Occupation Notice dated 28.09.2022 in letter No.06/0011/2022 in Form No.II issued under Section 56(2)(A) and 57 read with Section 85 of the Tamil Nadu Town and Country Act, 1971 as amended by Act 61 of 2008 by the 3rd to 5th respondents jointly and quash the same as illegal and consequently forbear the respondents from taking any coercive action against the petitioner's building at old No.91 and 92, Srinivasa Nagar Main Road, Kolathur Chennai – 600 099, pending disposal of the Appeal preferred by the petitioner before the 1st respondent in Appeal No.3224618/22 dated 20.09.2022 under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.K.Chozhan

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

Mr.D.B.R.Prabhu,
Standing Counsel for R2 to R5



W.P.No.27606 of 2022

ORDER

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

Considering the scope of the writ petition, this writ petition itself is taken up for disposal at the admission stage.

2. Mr.K.Chozhan, learned counsel appears for the petitioner. Mr.Vadivelu Deenadayalan, learned Additional Government Pleader takes notice for the 1st respondent and Mr.D.B.R.Prabhu, learned Standing Counsel takes notice for the respondents 2 to 5.

3. Challenge in the writ petition is to the de-occupation notice issued by the Chennai Corporation.

4. The learned counsel for the petitioner would submit that the Special Revision filed by the petitioner under Section 80A of the Tamil Nadu Town and Country Planning Act as against the Lock and Seal notice on 26.08.2022 is pending with the Government and if the premises is sealed during such pendency, the petitioner would be put to irreparable loss.



W.P.No.27606 of 2022

WEB COPY

5. In the light of the mandate under the proviso to sub-Section (1) of Section 80A of the Tamil Nadu Town and Country Planning Act there will be a direction to the Government to dispose of the Special Revision within a period of ninety (90) days from the date of receipt of a copy of the order. The operation of the de-occupation notice will stand suspended till then.

6. The writ petition will stand disposed of with the above direction. No costs. Consequently, the connected writ miscellaneous petitions are closed.

(R.S.M.,J.) (K.B.,J.)
17.10.2022

dsa

Index :No
Internet :Yes
Speaking order



W.P.No.27606 of 2022

To:-

WEB COPY

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Housing and Urban Development Department,
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W.P.No.27606 of 2022

R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

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W.P.No.27606 of 2022

17.10.2022