



WEB COPY

W.P.No.28423



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K. KUMARESH BABU**

**W.P.No.28423 of 2022
and W.M.P.No.27735 of 2022**

Dr.P.V.Srinath Yeswanth

...Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.

2.Mamallapuram Town Panchayat,
Rep. by its Executive Officer,
Chengalpattu District.

Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 2nd respondent to for bear them from in anyway interfering with the building in S.No.15/3 (part) at Devaneri Village, K.G.Boulevard Layout, ECR Salai, Mamallapuram, Chengalpet District particularly by way of locking and sealing and or demolition of the aforesaid building pending final determination of the Special Revision Petition dated 12.10.2022 by the 1st respondent under Sec.80(A) & 80 (A)(3) of the Town and Country Planning Act, 1971.

For Petitioner : Mr.PL.Narayanan
For Respondents : Mr.Vadivelu Deenadayalan for R1
Additional Government Pleader
Mr.T.K.Saravanan for R2



Government Advocate
ORDER

(Order of the court was delivered by R.Subramanian, J.)

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The prayer in the Writ Petition reads as follows:

The petitioner seeks a direction to direct the 2nd Respondent to forbear them from in anyway interfering with the building in S.No.15/3 (part) at Devaneri Village, K.G.Boulevard Layout, ECR Salai, Mamallapuram, Chengalpet District particularly by way of locking and sealing and or demolition of the aforesaid building pending final determination of the Special Revision Petition dated 12.10.2022 by the 1st Respondent under Sec.80(A) & 80 (A)(3) of the Town and Country Planning Act, 1971.

2. Because of the failure on the part of the Revisional Authority to exercise the power vested in it under Section 80 A(3) of the Tamil Nadu Town and Country Planning Act, 1971, the petitioner is before us seeking interim protection from us pending final adjudication by the Revisional Authority. Of course, we are relegated to the position of the Secretary to Government, Housing. Being Constitutional Authorities, we do not think that we can shirk this responsibility that has been bestowed upon us to grant interim protection due to



the inaction of the Revisional Authority.

3. We are therefore exercise our Special Original Jurisdiction power invested in us under Article 226 of the Constitution of India to grant interim protection to the petitioner and direct the second respondent not to proceed with coercive action till the disposal of the revision filed under Section 80 A by the first respondent. Proviso to Section 80 A requires the first respondent to dispose of those revisions filed under Section 80 A within a period of 90 days which is seldom followed.

4. We are therefore constrained to direct the first respondent to dispose of the revision filed by the petitioner within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.)

(K.B., J.)

09.11.2022

Index: no

Internet: Yes

Speaking order: no

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W.P.No.28423



R.SUBRAMANIAN, J.

AND

K. KUMARESH BABU, J.

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.
- 2.The Executive Officer,
Mamallapuram Town Panchayat,
Chengalpattu District.

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