



WEB COPY



W.P.No.30585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

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

W.P.No.30585 of 2022
and
W.M.P.No.30015 of 2022

M/s.Instar Foods,
Rep. by its Manager,
S.Aditya,
having registered Office at
SP-7A, Guindy Industrial Estate,
Ekkattuthangal, Chennai – 600 032.

...Petitioner

Vs.

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

2.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.P.C.Shyam Sundar

...Respondents



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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 them from in anyway interfering with the building put up at Old Door No.8, New Door No.14, Karpagambal Nagar Road, Mylapore, Chennai – 600 004 particularly by way of locking and sealing and or demolition in so far as the first floor of the aforesaid building is concerned, pending final determination of the Special Revision application dated 11.11.2022 by the 1st respondent under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 within the statutory prescribed period.

For Petitioner : Mr.D.S.Rajasekarn

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

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

ORDER

(Order of the Court was made by **K.KUMARESH BABU,J.**)

The present writ petition has been filed seeking a mandamus to forbear the 2nd respondent from in anyway interfering with the building put up at Old Door No.8, New Door No.14, Karpagambal Nagar Road,



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Mylapore, Chennai – 600 004, by way of locking and sealing or demolition, in so far as the first floor of the aforesaid building is concerned, pending final determination of the Special Revision application dated 11.11.2022.

2. The learned counsel for the petitioner would submit that the petitioner originally obtained planning permission in the year 1992 and has been occupying the building since then. Since there is a violation, the 2nd respondent had initiated enforcement action to bring the building in accordance with the planning permission. Being aggrieved against the same, the petitioner has preferred a special revision under Section 80 of the Town and Country Planning Act.

3. This Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to dispose of the special revision filed by the petitioner under Section 80A of the Town and Country Planning Act dated 11.11.2022 within a period of 90 days from the date of receipt of a copy of this order. Till such time, the 2nd respondent shall not take any coercive steps against the building in question.



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4. This writ petition is **disposed of** with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
17.11.2022

dsa

Index :No
Internet :Yes
Speaking order



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To:-

WEB COPY

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.



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K.KUMARESH BABU, J.

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