



W.P.No.32371 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

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

W.P.No.32371 of 2022
and
W.M.P.No.31766 of 2022

V.Purushothaman

...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.The Commissioner,
Grater Chennai Corporation,
Town Planning Enforcement,
Chennai.

3.The Assistant Engineer,
Greater Chennai Corporation,
Zonal Office – IX,
No.4, 4th Cross Street,
Lakview Road,
Chennai – 600 034.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



W.P.No.32371 of 2022

seeking issuance of a Writ of Mandamus, directing the 2nd respondent to forbear them from in anyway interfering with the building situated at No.83/57, Sivan Koil South Street, Kodambakkam, Chennai – 600 024, particularly by way of locking and sealing and or demolishing of the same pending final determination of the petitioner's special revision petition dated 17th November 2022 under Section 80A and 80A(3) of the Town and Country Planning Act, 1971 by the 1st respondent.

For Petitioner : Dr.S.Bala Janaki

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

Mr.D.B.R.Prabhu,
Standing Counsel for R2 and R3

ORDER

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

Mr.Vadivelu Deenadayaln, 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 and 3.

2. The petitioner has filed the writ petition seeking a direction to



W.P.No.32371 of 2022

forbear the 2nd respondent in any way interfering with the building situate in No.83/57, Sivan Koil South Street, Kodambakkam, Chennai – 600 024, by way of locking and sealing or demolishing the same pursuant to the de-occupation notice issued by the 3rd respondent under Sections 56 and 57 of the Town and Country Planning Act.

3. The case of the petitioner is that the building in question has been constructed much prior to the enactment of the Tamil Nadu Town and Country Planning Act and that they have been in occupation of the building for more than 4 decades. Certain repair works have been carried on to maintain the building. The 3rd respondent had issued notice under Sections 56 and 57 of the Town and Country Planning Act, against which the special revision under Section 80A of the Town and Country Planning Act has been preferred and the same is pending with the 1st respondent.

4. Considering the facts of the case, the 2nd respondent is directed not to take any coercive action pursuant to the notice dated 13.08.2022 and 23.09.2022 pending disposal of the special revision filed under Section 80A



W.P.No.32371 of 2022

of the Tamil Nadu Town and Country Planning Act before the 1st respondent.

5. Accordingly, this writ petition is **disposed of**. However, there shall be no order as to costs. Consequently, the writ miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
01.12.2022

dsa

Index : Yes/No

Internet : Yes/No

Speaking order/Non-Speaking order

Note:- Issue order copy by 02.12.2022.



W.P.No.32371 of 2022

To:-

WEB COPY

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Grater Chennai Corporation,
Town Planning Enforcement,
Chennai.
3. The Assistant Engineer,
Greater Chennai Corporation,
Zonal Office – IX,
No.4, 4th Cross Street,
Lakview Road,
Chennai – 600 034.



WEB COPY



W.P.No.32371 of 2022

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

dsa

W.P.No.32371 of 2022

01.12.2022