



W.P.No.32514 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

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

**W.P.No.32514 of 2022**  
**and**  
**W.M.P.No. 31924 of 2022**

1.Syed Kasim Sakkaf

2.Syed Akbar Sakkaf

...Petitioners

Vs.

- 1.The Commissioner,  
Greater Chennai Corporation,  
Rippon Building,  
Park Town, Chennai.
- 2.The Executive Engineer,  
Zone 6, Greater Chennai Corporation,  
No.5, Anderson Street,  
Ayyanavaram, Chennai – 23.
- 3.The Assistant Executive Engineer,  
Unit-17, Zone-6,  
Greater Chennai Corporation,  
No.5, Anderson Street,  
Ayyanavaram, Chennai – 23.



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4. The Assistant Engineer,  
Division – 073, Unit-17, Zone-06,  
Greater Chennai Corporation,  
No.5, Anderson Street,  
Ayyanavaram, Chennai – 23.

5. The Secretary to Government of Tamil Nadu,  
Housing and Urban Development Department,  
Fort St. George, Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, forbearing the respondents 1 to 4 and its men and agents from any manner interfering with the peaceful possession and enjoyment of the petitioner's property being house and ground premises comprised in Door No.50, Strahans Road, 5<sup>th</sup> Street, Dadashamakkan, Chennai – 600 012 pending disposal of the stay petition filed on 08.03.2022 before the 5<sup>th</sup> respondent.

For Petitioners : Mr.N.A.Nissar Ahmed

For Respondents : Mr.D.B.R.Prabhu

Standing Counsel for R1 to R4

Mr.Vadivelu Deenadayalan

Special government Pleader for R5



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## **ORDER**

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

The prayer in the Writ Petition reads as follows:-

*forbearing the respondents 1 to 4 and its men and agents from any manner interfering with the peaceful possession and enjoyment of the petitioner's property being house and ground premises comprised in Door No.50, Strahans Road, 5<sup>th</sup> Street, Dadashamakkan, Chennai – 600 012 pending disposal of the stay petition filed on 08.03.2022 before the 5<sup>th</sup> respondent.*

2.Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioners would submit that the building is more than 50 years old and as against the lock and seal notice issued on 24.02.2022, the petitioners have preferred a Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, which is pending with the Government. He would claim that even without considering the pendency of the appeal, the Chennai Corporation issued a de-occupation notice on 24.11.2022.

3.Considering the limited prayer, without going into the merits, we direct the Corporation not to enforce the de-occupation notice till such time



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the revision filed under Section 80-A of the Tamil Nadu Town and Country

Planning is disposed of by the Government.

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

(R.S.M.,J.) (K.B.,J.)  
02.12.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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**and**  
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KKN

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