



WEB COPY

W.P.No.34488 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.34488 of 2022 and
W.M.P.No.33939 of 2022

Seventh Day Adventist Higher Secondary School,
Represented by its Correspondent,
S.Vedhanayagam,
No.16, Valliammal Road,
Vepery, Chennai – 600 007.

.. Petitioner

Vs.

- 1.Government of Tamil Nadu,
Rep. by its Additional Secretary (Technical),
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.
- 2.Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai – 600 003.
- 3.The Executive Engineer,
Greater Chennai Corporation, Zone – V,
No.62, Basin Bridge Road,
Old Washermanpet, Chennai – 600 021.
- 4.The Assistant Executive Engineer,
Unit-14, Zone – V,
Greater Chennai Corporation,
Chintadripet, Chennai – 600 002.



WEB COPY

W.P.No.34488 of 2022



5. The Assistant Engineer,
Division – 58, Unit – 14, Zone – V,
Greater Chennai Corporation,
Raja Muthiah Road, Periyamet,
Chennai – 600 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondents 2 to 5 from in anyway interfering with the building at No.16, Valliammal Road, Vepery, Chennai – 600 007, particularly by way of locking, sealing and demolition of any portion or portions thereof pending disposal of the revised plan vide COC/22449/22 dated 19.12.2022 submitted by the Petitioner and also directing the 1st respondent to dispose the petition dated 26.11.2022 filed for extension of time submitted by the Petitioner under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.K.Raja Srinivas
for Ms.C.Anandha Ramani

For R1 : Mr.A.Selvendran
Special Government Pleader

For RR 2 to 5 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition
forbearing the respondents 2 to 5 from in anyway interfering with the



WEB COPY

building at No.16, Valliammal Road, Vepery, Chennai – 600 007, particularly by way of locking, sealing and demolition of any portion or portions thereof pending disposal of the revised plan vide COC/22449/22 dated 19.12.2022 submitted by the petitioner and also to direct the 1st respondent to dispose the petition dated 26.11.2022 filed for extension of time submitted by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

2.By consent of learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader who takes notice for the 1st respondent and Mr.D.B.R.Prabhu, learned Standing Counsel who takes notice for the respondents 2 to 5, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for 1st respondent and the learned Standing Counsel appearing for respondents 2 to 5 and perused the entire materials on record.

4.According to petitioner, the petitioner is a Minority Institution established in the year 1951 and is in existence for more than five



WEB COPY

decades and having classes from Kindergarden to Higher Secondary. The petitioner has put up a shed with truss in open terrace in the vacant area on the rear side in between two blocks for the purpose of students and parents, who come to drop and pick up their children. The respondents 2 to 5 have issued notice for removal of shed and truss as the petitioner has put up the same without any permission. The respondents 2 to 5 put up lock and seal in the shed in the open terrace. The petitioner filed appeal to the 1st respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The 1st respondent passed an order dated 12.08.2022 and set aside the locking and sealing notice and granted three months time to remove the unauthorized shed. The said order was not communicated to the petitioner by the 1st respondent and the same was communicated by the 3rd respondent to the petitioner on 14.11.2022. Immediately the petitioner sent petition dated 26.11.2022 to the 1st respondent for extension of time. The petitioner also submitted the revised plan dated 19.12.2022 for retaining the temporary structure put up with shed with truss in between two blocks and also submitted before the 2nd respondent for regularisation under the Tamil Nadu Town and Country Planning Act, 1971 and amended Tamil Nadu Combined Development and Building Rules, 2019 and has come out with the present Writ Petition.



WEB COPY

5.Considering the fact that petitioner is running a School, the 1st respondent is directed to consider the petition dated 26.11.2022 filed by the petitioner for extension of time and the respondents 2 to 5 are directed to consider the revised plan dated 19.12.2022, within a period of three months from the date of receipt of a copy of this order after giving opportunity of personal hearing to the petitioner. Till such time, the respondents 2 to 5 are restrained from taking any coercive steps against the petitioner.

6.With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (R.H., J)
22.12.2022

krk

Index : Yes / No

Internet : Yes / No

To

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



WEB COPY



W.P.No.34488 of 2022

V.M.VELUMANI, J.
and

R.HEMALATHA, J.

krk

2. Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai – 600 003.
3. The Executive Engineer,
Greater Chennai Corporation, Zone – V,
No.62, Basin Bridge Road,
Old Washermanpet, Chennai – 600 021.
4. The Assistant Executive Engineer,
Unit-14, Zone – V, Greater Chennai Corporation,
Chintadripet, Chennai – 600 002.
5. The Assistant Engineer,
Division – 58, Unit – 14, Zone – V,
Greater Chennai Corporation,
Raja Muthiah Road, Periyamet, Chennai – 600 003.

W.P.No.34488 of 2022

22.12.2022