



W.P.No.34744 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.34744 of 2022
and
W.M.P.No.34164 of 2022

S.Dinesh Kumar

.. Petitioner

Vs.

1.The Additional Secretary (Technical)
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.Executive Engineer,
Chennai Corporation Zone – IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai – 600 034.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent to consider and pass orders on the Special Revision Application dated 01.12.2022 filed by the petitioner and consequently forbearing the 2nd respondent from initiating coercive action based on the notice in No.Z.O-IX/ENF/Dn-112/TPENF/122/2021 dated 15.10.2022 pending disposal of the Special Revision Application dated 01.12.2022 on the file of the 1st Respondent.

For Petitioner : Mr.T.Saravanan



WEB COPY



W.P.No.34744 of 2022

For R1 : Ms.R.L.Karthika
Government Advocate

For R2 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The present writ petition is filed for a direction to the 1st respondent to consider and pass orders on the Special Revision Application dated 01.12.2022 filed by the petitioner and consequently forbearing the 2nd respondent from initiating coercive action based on the notice in No.Z.O-IX/ENF/Dn-112/TPENF/122/2021 dated 15.10.2022 pending disposal of the Special Revision Application dated 01.12.2022 on the file of the 1st Respondent.

2. Ms.R.L.Karthika, learned Government Advocate takes notice for the 1st respondent and Mr.D.B.R.Prabhu, learned Standing Counsel takes notice for the 2nd respondent.

3. By consent of both the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1st respondent



W.P.No.34744 of 2022

as well as the learned Standing Counsel appearing for the 2nd respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1st respondent as well as learned Standing Counsel appearing for the 2nd respondent and perused the entire materials on record.

5. According to the petitioner, he and his father purchased the land in Town Survey No.48, Block – 7, Puliur Village to an extent of 1425 sq.ft., situated at No.4, Old No.26, South Sivan Koil Street, Kodambakkam, Chennai from Tmt.Banumathy and others for a valid consideration by the Sale Deed dated 20.03.2020 registered as Document No.1630 of 2020 before the Sub Registrar Office, Kodambakkam, Chennai. Subsequently, the petitioner along with his father constructed a building consisting of Four Floors (stilt + 3 floors) for non-residential / commercial purpose after obtaining planning permission. The property was assessed for property tax and the petitioner has paid the property tax without any due till date. Further, the land is slightly irregular and hence,



a small portion of building is said to be deviated at side set back – 1 and rear side, whereas on the front side and side set back – 2 there is no deviation. The petitioner submitted revised plan for regularisation. In spite of petitioner submitting revised plan for regularisation of minor deviation, the respondents are taking steps to lock and seal the premises.

6. The petitioner further submitted that the officials of the 2nd respondent/Corporation without inspecting the said building, has sent a lock and seal notice dated 15.10.2022 under Sections 56 and 57 read with Section 85 of Tamil Nadu Town Country Planning Act, 1971. He further submitted that there are no major deviations and violations warranting for locking and sealing and demolition as alleged in the impugned notice issued by the 2nd respondent. Aggrieved by the said notice, the petitioner has sent a representation dated 25.11.2022 to the Commissioner, Greater Chennai Corporation. But in spite of receipt of the same, the officials are indulging in forcible demolition, Hence, the petitioner approached the 1st respondent and filed a Special Revision Petition before the 1st respondent on 01.12.2022 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 and the same is pending. In such circumstances, the petitioner has come out with the



W.P.No.34744 of 2022

present writ petition.

WEB COPY

7. Ms.R.L.Karthika, learned Government Advocate appearing for the 1st respondent submitted that the Special Revision Petition dated 01.12.2022 filed by the petitioner will be considered and orders will be passed in accordance with law.

8. Considering the nature of relief sought for in the present writ petition, the 1st respondent is directed to dispose of the Special Revision Petition dated 01.12.2022 filed by the petitioner, within a period of six months from the date of receipt of a copy of this order. Till such time, the respondents are restrained from taking any coercive steps against the petitioner.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(V.M.V., J) (R.H., J)
23.12.2022

Index : Yes / No
Internet : Yes / No
dm



W.P.No.34744 of 2022

V.M.VELUMANI, J.
and
R.HEMALATHA, J.

dm

To

- 1.The Additional Secretary (Technical)
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.
- 2.Executive Engineer,
Chennai Corporation Zone – IX,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai – 600 034.

W.P.No.34744 of 2022

23.12.2022