



W.P.No.315 of 2023 & W.M.P. No. 300 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.315 of 2023

&

W.M.P. No. 300 of 2023

1. B. Venkateswaran

2. B. Subburaj

...Petitioners

Vs.

1. The Secretary to Government
Government of Tamil Nadu,
Housing and Urban Development Department
Fort. St. George, Chennai 600 009.

2. The Commissioner
Greater Chennai Corporation
Ripon Buildings, Periamet
Chennai 600 003.

3. The Executive Engineer,
Greater Corporation of Chennai
MTH Road, Zone - VII, Ambattur,
Chennai 600 053.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ or directions in the nature of writ forbearing the 2nd and 3rd respondent or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Plot No.1,2 & 3, Barani Jothi Nagar, Korattur, Chennai 600 076 till the disposal of the petitioners special revision petition filed under Section 80(A) of the Town and Country Planning Act dated 22.12.2022 to the 1st respondent herein.

For Petitioners : Mr. R. Mohan
For R1 : Mr. P. Gurunathan,
Additional Government Pleader
For R2 & R3 : 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 praying to issue a Writ of Mandamus forbearing the 2nd and 3rd respondent or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Plot No.1,2 & 3, Barani Jothi Nagar, Korattur, Chennai 600 076 till the disposal of the petitioners special revision petition filed under Section 80(A) of the Town and Country Planning Act dated 22.12.2022 to the 1st respondent herein.



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2. By consent of both the learned counsel appearing for the petitioners as well as Mr. P. Gurunathan, learned Additional 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 and 3, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the 1st respondent and the learned standing counsel appearing for the respondents 2 and 3 and perused the entire materials on record.

4. The case of the petitioners is that they are the joint owners of Plot Nos.1, 2 & 3, comprised in Survey Nos.147/2, 147/2B and 147/2A4, of Korattur Village, Barani Jothi Nagar, Ambattur Taluk, Chennai District. To develop their property, they applied for planning permission to construct a non high rise building for commercial purpose. Approval was granted for ground floor, commercial showroom with permanent roofing. The petitioners put up the construction in the said



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property consisting of ground floor only with temporary sheet roofing surrounded by metallic pillars column and wall. There are some encroachments in front of the building in the street. A complaint has been given against the encroachers. As a counter blast, one of the encroachers gave a complaint against the petitioners alleging violation of building plan. The respondents 2 and 3 inspected the building without any notice and issued a locking and sealing notice under Section 56 & 57 of the Tamil Nadu Town & Country Planning Act, 1971. The petitioners filed Revision and stay petition under Sections 80-A and 80 A(3) of the Town & Country Planning Act, 1971 before the 1st respondent and informed the respondents 2 & 3 about the same. In spite of pendency of the revision petition, the respondents 2 and 3 issued de-occupation notice dated 27.12.2022 signed on 29.12.2022, which was received by the petitioners only on 02.01.2023. In such circumstances, the petitioners have come out with the present Writ Petition seeking for the relief as prayed for.



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5. From the materials on record, it is seen that the petitioners have filed a Revision Petition dated 22.12.2022 to the 1st respondent along with stay petition and enclosed a copy of the same. According to the learned counsel appearing for the petitioners, the petitioners informed the respondents 2 and 3 about the filing of Revision Petition. Considering the above, the 1st respondent is directed to dispose of the Revision Petition filed by the petitioners on merits and in accordance with law as expeditiously as possible in any event within 6 months from the date of receipt of a copy of this order. Till such time, the respondents 2 and 3 are restrained from taking any coercive action against the petitioners.

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

(V.M.V.,J.)

(R.H.,J.)

05.01.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

1. The Secretary to Government
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2. The Commissioner
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