



W.P.No.3105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.No.3105 of 2023

1.R.Vinod

2.R.Vardhaman Jain

3.R.Arihant Jain

.. Petitioners

Vs.

1.The Secretary to Government
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Executive Engineer, Zone-X,
Greater Chennai Corporation,
No.117, N.S.K. Salai,
Kodambakkam, Chennai – 600 029.

3.The Assistant Executive Engineer,
Unit – 29, Zone X,
Greater Chennai Corporation,
Vadapalani, Chennai – 600 032.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 2 and 3, from taking any coercive action of locking and



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sealing of the building at Door No. 5/9, Gangai Amman Colony, Second Street, Vadapalani, Chennai-600 026, pending the disposal of the Revision dated 02.01.2023 filed under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971 pending on the file of the 1st Respondent.

For Petitioners : Mr.Arulselvan

For R1 : Mr.A.Selvendran
Special Government Pleader

For R2 and R3 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The Writ Petition is filed for a direction to the respondents 2 and 3, from taking any coercive action of locking and sealing of the building at Door No. 5/9, Gangai Amman Colony, Second Street, Vadapalani, Chennai-600 026, pending the disposal of the Revision dated 02.01.2023 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 pending on the file of the 1st respondent.

2. By consent of both the learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the 1st respondent as well as Mr.D.B.R.Prabhu, learned



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Standing Counsel, who takes notice for the respondents 2 and 3, the writ petition is taken up for final disposal at the stage of admission itself.

3. Heard Mr.Arulselvan, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing for the 1st respondent as well as Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents 2 and 3 and perused the entire materials on record.

4. According to the petitioners, they are the absolute owners of land and building situated at Door No.5/9, Gangai Amman Colony, Second Street, Vadapalani, Chennai. They purchased the said property by the Sale Deed dated 23.04.2021 for valuable consideration. The building was in a dilapidated condition and in view of the same, they applied for permission for demolition and reconstruction of stilt plus First and Second floors. The respondents 2 and 3 granted permission for construction of stilt plus two floors. Whiles, due to the complaint lodged by the third party, the 3rd respondent issued notice dated 05.05.2022 calling upon the petitioners to stop the work.



5. The learned counsel appearing for the petitioners submitted that the petitioners approached the respondents 2 and 3 and explained in person that the construction was already completed and they have put up construction only as per the approved plan. Subsequently, the respondents 2 and 3 did not take any action. Whiles, all of a sudden, the respondents 2 and 3 issued impugned Locking and Sealing and Demolition Notice dated 21.11.2022 under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. Thereafter, the 2nd respondent had issued De-occupation notice dated 22.12.2022 calling upon the petitioners to de-occupy the premises within 15 days. Challenging the said notice, the petitioner has filed a Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent on 02.01.2023. The learned counsel appearing for the petitioner submitted that pending revision, the respondents 2 and 3 are taking coercive steps to demolish the petitioners' building. In such circumstances, the petitioners have come out with the present writ petition.

6. Considering the above submissions of the learned counsel appearing for the petitioners and the fact that the petitioners' special



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revision petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 is pending from 02.01.2023 with the 1st respondent, the 1st respondent is directed to dispose of the Special Revision dated 02.01.2023 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 within a period of six 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 steps against the petitioners.

7. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (K.K.R.K., J)
07.02.2023
(2/2)

Index : Yes / No
Neutral Citation : Yes / No
dm



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and
K.K.RAMAKRISHNAN, J.

dm

To

- 1.The Secretary to Government
Housing and Urban Development Department,
Fort St.George, Secretariat,
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