



WP.No.3299/2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.3299/2023
& WMP.No.3350/2023

1.Mrs.Vineeta Agrawal
2.Navita Bihani

.. Petitioners

Vs.

- 1.The Secretary to Government
Housing & Urban Development
State of Tamil Nadu Department
Secretariat, Chennai 600 009.
- 2.Chennai Metropolitan Development
Authority rep.by its Member Secretary
No.1, Gandhi Irwin Road
Chennai 600 008.
- 3.The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai 600 003.



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4.The Executive Engineer
Zone-IX, Greater Chennai Corporation
No.1, Lake Area, 4th Cross Street
Nungambakkam,
Chennai 600 034.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing respondents 3 and 4 not to take any coercive step pursuant notice issued u/s.56 and 57 of Tamil Nadu Town and Country Planning Act, 1971, dated 30.11.2022 till the disposal of the revision petition dated 15.12.2022 pending before the 1st respondent with respect to the petitioners building comprised in RS.No.35/13, Nungambakkam Village, New Door No.61, Old Door No.3/1 Greams Road, Kamalan Street, Thousand Lights, Chennai 600 006.

For Petitioners	:	Mr.M.Muthappan
For R1	:	M/s.R.L.Karthika
		Government Advocate
For R2	:	Mr.P.Sesubalan Raja
		Standing counsel for CMDA
For RR3 & R4	:	Mr.D.B.R.Prabhu
		Standing counsel



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) M/s.R.L.Karthika, learned Government Advocate accepts notice on behalf of 1st respondent ; Mr.P.Sesubalan Raja, learned Standing counsel accepts notice on behalf of the 2nd respondent/CMDA and Mr.D.B.R.Prabhu, learned Standing counsel accepts notice on behalf of respondents 3 and 4.
- (2) This writ petition is filed for issuance of a writ of mandamus forbearing respondents 3 and 4 not to take any coercive step pursuant to the notice issued u/s.56 and 57 of Tamil Nadu Town and Country Planning Act, 1971, dated 30.11.2022 till the disposal of the revision petition dated 15.12.2022 pending before the 1st respondent with respect to the petitioners building comprised in RS.No.35/13, Nungambakkam Village, New Door No.61, Old Door No.3/1 Greams Road, Kamalan Street, Thousand Lights, Chennai 600 006.
- (3) Brief facts that are necessary for the disposal of this writ petition



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are as follows:

- (4) The petitioner has put up a construction in RS.No.35/13, Nungambakkam Village, New Door No.61, Old Door No.3/1 Greams Road, Kamalan Street, Thousand Lights, Chennai 600 006. It is the case of the petitioners that they had purchased an extent of 1845 sq.ft., by a Sale Deed dated 18.03.1987. Though it is stated that the petitioners had put up construction after getting planning permission on 12.07.2000, it is admitted that the petitioners submitted an application before the 2nd respondent/CMDA along with revised plan for regularisation. However, the Corporation authorities issued a notice u/s.56 and 57 of the Town and Country Planning Act, 1971.
- (5) It is the case of the petitioner that a revision petition was filed before the 1st respondent/Government u/s.80-A of Town and Country Planning Act, 1971, as against the proceedings initiated u/s.56 and 57 of the Act. Despite Revision is pending, the grievance of the petitioners is that respondents have issued De-Occupation Notice on 30.11.2022. Since the petitioners have



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already applied for regularisation and the revision is pending as against the order u/s.56 and 57 of the Act, the learned counsel for the petitioners stated that status quo may be maintained till such time the petitioners' revision and interlocutory application for stay are considered by the 1st respondent/Government.

(6) Mr.P.Seshubalan Raja, learned Standing counsel appearing for the 2nd respondent has no objection for maintaining status quo till the Interlocutory Application filed by the petitioners before the 1st respondent/Government in the Revision is considered and disposed of on merits.

(7) Accordingly, the writ petition is **partly allowed and respondents 2 to 4 are directed not to initiate any coercive action pursuant to the De-Occupation Notice dated 30.11.2022 till such time the 1st respondent/Government decides the Interlocutory Application stated to have been filed by the petitioners before the 1st respondent in the Revision Petition stated to have been filed u/s.80-A of the Town and Country Planning Act, 1971.** Since it is stated that the petitioners' application for regularisation



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is pending for a long time and the decision on the application for regularisation is also a relevant factor that has to be considered, the 1st respondent/Government may for the present, pass any interim order so that the Revision Petition may be considered and disposed of after the decision of the competent authority on the application of the petitioners for regularisation. No costs. Consequently, connected miscellaneous petition is closed.

[SSSRJ] [AANJ]

03.02.2023

AP

Internet : Yes

To



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