



W.P.No.6723 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.6723 of 2023

AND

W.M.P.No.6782 of 2023

M.Noorullah Shariff

.. Petitioner

Vs.

1.The Commissioner
Greater Chennai Corporation
Rippon Building
Park Town, Chennai

2.The Executive Engineer
Zone 12, Greater Chennai Corporation
Alandur, Chennai

3.The Assistant Executive Engineer
Zone 12, Unit 37, Greater Chennai Corporation
Zonal Office, Alandur, Chennai

4.The Assistant Engineer
Zone 12, Unit 37, Greater Chennai Corporation
Zonal Office, Alandur, Chennai



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

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents 1 to 4 and its men and agents from any manner interfering with the peaceful possession and enjoyment of the petitioner's property being property comprised in T.S.No.7, Ward 'H', Block 3, S.No.1337/1, bearing door No.51, Lascar Street, 1D Railway Station Road, Alandur, pending disposal of the stay petition filed on 14.02.2023 before the 5th respondent and application under Section 113-C in CMDA/Reg-113C/508/2018.

For Petitioner	:	Mr.I.Kowser Nissar
For R1 to R4	:	Mr.D.B.R.Prabhu Standing Counsel
For R5	:	Mrs.R.L.Karthika Government Advocate

ORDER

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

The petitioner has come out with the present writ petition for a direction forbearing the respondents 1 to 4 from interfering with the peaceful possession and enjoyment of the petitioner's property in T.S.No.7, Ward 'H',



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Block 3, S.No.1337/1, bearing door No.51, Lascar Street, 1D Railway Station Road, Alandur, pending disposal of the application filed under Section 113C and the stay petition filed by him.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 1 to 4 and Mrs.R.L.Karthika, learned Government Advocate, who takes notice for the 5th respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, his wife is the owner of the property in T.S.No.7, Ward 'H', Block 3, S.No.1337/1, bearing door No.51, Lascar Street, 1D Railway Station Road, Alandur. She applied for putting up additional construction in the second floor, during the construction of ground and first floor, as early as in the year 2000. Pending application, she has constructed the second floor. There was a civil dispute between the petitioner and one G.Gomathi Shankar in O.S.No.1048 of 2013 in respect of the property in question and the same is pending. While so, on the



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instigation of one Raghavan, the said Gomathi Shankar gave a false complaint to the respondents 3 and 4 against the petitioner, alleging that the petitioner's wife has put up unauthorised construction. The respondents 3 and 4 have inspected the property and in a mechanical manner, issued notice to the petitioner. Challenging the said notice, the petitioner filed a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before the 5th respondent and also sought for stay of the notice issued by the respondents 3 and 4. The petitioner also filed an application under Section 113-C of the Act, for regularisation of the construction in the second floor. The said revision and the application filed by the petitioner are pending. In such circumstances, the petitioner has come out with the present petition.

4. Heard Mr.I.Kowser Nissar, learned counsel appearing for the petitioner as well as Mr.D.B.R.Prabhu, learned Standing Counsel, appearing for the respondents 1 to 4 and Mrs.R.L.Karthika, learned Government Advocate appearing for the 5th respondent and perused the entire materials on record.



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5. From the materials on record, it is seen that the revision under Section 80-A of the Act filed by the petitioner before the 5th respondent is pending and the petitioner has filed the same in the typed set of papers. The petitioner also filed an application for regularisation under Section 113-C of the Act on 17.09.2018 and the same is also pending.

6. In view of the pendency of the revision filed under Section 80-A of the Act before the 5th respondent and the application filed under Section 113-C of the Act is pending with CMDA, the 5th respondent is directed to dispose of the revision as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order. Till such time, the respondents 1 to 4 are restrained from taking any coercive steps against the petitioner.

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

(V.M.V.,J.) (V.L.N.,J.)
03.03.2023

Index : Yes/No
Neutral citation : Yes/No
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AND
V.LAKSHMINARAYANAN, J.

gya

To

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