



WEB COPY



W.P.No.9874 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.9874 of 2023 and

CMP NO.9945 of 2023

Thiruvalluvar Transport Corporation Employees
Co-operative Credit Society Ltd. (MSCS/CR/16-91)
Rep. by its Secretary Mr.K.Jayasankar,
No.10, 23rd Street, Jai Nagar, Arumbakkam,
Chennai 600 106.

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Secretariat,
Chennai 600 009.

2. The Executive Engineer, Zone-7,
Greater Chennai Corporation,
No.535, C.T.H.Road, Ambattur,
Chennai 600 053.

.. Respondents



W.P.No.9874 of 2023

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the first respondent to consider and pass orders in the revision petition filed under Section 80(A)(3) of Town and Country Planning Act dated 20.03.2023 filed by the petitioner society, challenging the De-occupation notice bearing letter Zone 07/DN-093/TPENF/242/2023 dated 07.03.2023 issued by the 2nd respondent under Section 56 and 57 of Town and Country Planning Act pertaining to the subject property situated behind No.5, Justice Rathinavel Pandian Street, Mogappair East, Chennai and consequently forbear all further proceedings of the respondents from initiating any coercive action of lock and sealing of the subject property pending disposal of the petitioner society's revision before the first respondent.

For petitioner : Mr.S.Conscious Ilango

For respondents : Mrs.R.L.Karthika,
Govt. Advocate for R1

Mr.D.B.R.Prabhu, Standing Counsel
for R2

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus directing the first respondent to pass orders on the revision petition filed by the petitioner's society under Section 80(A)(3) of Town and



W.P.No.9874 of 2023

Country Planning Act dated 20.03.2023 and consequently forbear all further proceedings of the respondents from initiating any coercive action of lock and sealing of the subject property pending disposal of the revision before the first respondent.

2. The case of the petitioner in brief:

The petitioner society is the absolute owner of the land bearing No.5, Justice Rathinavel Pandian Street, Mogappair East, Chennai-107. They obtained planning permission from the Corporation of Chennai on 09.02.2022 to construct multi storied residential flats for its members at cheaper rate. Further, they constructed temporary structure in 30 cents of poromboke land, adjacent to the lands to accommodate construction workers and to store construction materials. But, some unknown people demanded money and since the petitioner society did not yield to their demand, they made a false complaint before the second respondent, as the petitioner put up construction without any building plan. The second respondent, without considering the approved plan, has issued the lock and seal and de-occupation notice dated 07.03.2023. The petitioner preferred



W.P.No.9874 of 2023

Revision Petition before the first respondent. However, the second respondent taking coercive steps to lock and seal the building constructed in the portion of the promboke land. Hence the writ petition.

3. Mr. R.L.Karthika, learned Government Advocate takes notice for the first respondent and Mr.D.B.R.Prabhy, learned Standing Counsel takes notice for the second respondent. The learned Government Advocate submitted that the revision petition filed by the petitioner will be considered by the authorities concerned and appropriate orders will be passed on its own merits and in accordance with law.

4. Considering the limited scope of prayer and also taking into account the submission of the learned Government Pleader, without expressing any opinion on merits, we inclined to dispose the Writ petition, with the following direction.

(i) The first respondent is directed to dispose the Revision Petition filed by the petitioner dated 20.03.2023, on its own merits and in accordance with law, after providing opportunity to the petitioner, within a



W.P.No.9874 of 2023

period of 8 weeks from the date of receipt of a copy of this order. In the meantime, the first respondent is directed to dispose the stay petition filed by the writ petitioner, within one week from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of . No costs. Consequently, connected writ miscellaneous petition is closed.

(D.K.K.J.)

(K.G.T.J.)

31.03.2023

Index : Yes/No
Internet : Yes/No
mst

To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George, Secretariat, Chennai 600 009.
2. The Executive Engineer, Zone-7,
Greater Chennai Corporation,
No.535, C.T.H.Road, Ambattur, Chennai 600 053.



WEB COPY



W.P.No.9874 of 2023

D.KRISHNAKUMAR, J.

and

K.GOVINDARAJAN THILAKAVADI, J.

mst

W.P.No.9874 of 2023

31.03.2023