



WEB COPY

W.P.No.11150 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.11150 of 2023

and

W.M.P.No.11007 of 2023

S.Balaji

.. Petitioner

Vs.

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

2.The Assistant Engineer,
Greater Chennai Corporation,
Div – 134,
Chennai – 600 033.

3.Assistant Executive Engineer,
Greater Chennai Corporation,
Unit 31, Zone – X,
No.117, NSK Salai, Kodambakkam,
Chennai – 600 024.

4.The Executive Engineer,
Greater Chennai Corporation,
Zone – X,
No.117, NSK Salai, Kodambakkam,
Chennai – 600 024.

.. Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondents from taking any coercive steps at Plot No.BF1, Old Door No.21, New No.43, Janakiraman Street, West Mambalam, Chennai – 600 033 and not to disturb the Petitioner until the disposal of the Revision Petition.

For Petitioner	: Ms.Reshmi Christy
For R1	: Mr.A.Selvendran Special Government Pleader
For RR 2 to 4	: 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 forbearing the respondents from taking any coercive steps at Plot No.BF1, Old Door No.21, New No.43, Janakiraman Street, West Mambalam, Chennai – 600 033 and not to disturb him until the disposal of the Revision Petition.

2.By consent of the learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special 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 to 4, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to petitioner, he is the owner of the Flat premises bearing FF1, LS Apartment, 43/221, Janakiraman Street, West Mambalam, Chennai – 600 033, having purchased from M/s.K.K.Builders in the year 2017. The builder constructed the first and second floors as per the sanctioned plan granted by the Greater Chennai Corporation and handed over the Flat to the petitioner during February 2017. The petitioner has been prompt in paying the property tax as per the old and revised rates. Based on the Stop Work notice dated 23.11.2021 issued by the 3rd respondent in Notice No.10/00895/2021, the respondents 2 to 4 initiated action for locking and sealing of the premises of the petitioner. Against the said notice, the petitioner filed revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent on 11.07.2022. The 1st respondent, after hearing the petitioner and other affected parties, disposed of the revision on 01.12.2022. While so, on 14.02.2023, the respondents 2 to 4 issued revised Lock and Seal and Demolition Notice to the petitioner, under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, as amended by Act 61 of 2008, calling upon him to



restore the building as per the approved plan, failing which action will be taken under Sub-Section (4) of Section 57 of the Tamil Nadu Town and Country Planning Act, 1971. Challenging the said notice dated 14.02.2023, the petitioner filed revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent on 15.03.2023. Further, on 16.03.2023, the petitioner sent an e-mail to the 3rd respondent about filing of revision and requested the respondents 2 to 4 not to take any coercive steps against the petitioner, till the disposal of the revision. Further, the petitioner also sent a letter dated 27.03.2023 to the 2nd respondent about filing of revision. Despite receiving the letter and being aware of the revision filed by the petitioner, the respondents 2 to 4 issued De-occupation notice dated 16.03.2023, to the petitioner to de-occupy the premises within 15 days from the date of the receipt of notice. In such circumstances, the petitioner has come out with the present Writ Petition.

4.The learned Special Government Pleader appearing for the 1st respondent submitted that the petitioner's revision dated 15.03.2023, filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, will be considered and necessary orders will be passed in accordance with law and prayed for dismissal of the Writ Petition.



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7. Heard the learned counsel appearing for the parties and perused the entire materials on record.

8. Considering the above submissions made by the learned counsel appearing for the parties and the fact that the revision filed by the petitioner is pending, the 1st respondent is directed to dispose of the revision dated 15.03.2023 filed by the petitioner, after giving opportunity to the petitioner as expeditiously as possible, in any event, within six months from the date of receipt of a copy of this order. Till such time, the respondents 2 to 4 are restrained from taking any coercive steps against the petitioner.

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

(V.M.V., J) (V.L.N., J)
12.04.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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V.M.VELUMANI, J.
and

V.LAKSHMINARAYANAN, J.

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To

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