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W.P.No.14285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No.14285 of 2023

P.L.Kannan

... Petitioner

Vs.

1. The Additional Secretary (Technical)
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai- 600 009.

2. The Chairman
Chennai Metropolitan Development Authority,
Thalamuthu- Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai- 600 008.

3. The Member Secretary
Chennai Metropolitan Development Authority,
Thalamuthu- Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai- 600 008.

4. P.L.Meyyammai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to consider the representation made by the petitioner dated 13.02.2023 and comply with the direction in Letter No. 3352125 / UD- VI (3) / 2022 -5 dated 25.01.2023, on



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the file of the 1st respondent.

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For Petitioner : Mr.Avinash Wadhwani

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader for R1
Mr.R.Sivakumar
for Mr.P.Sesubalan Raja for RR2 & 3
Mrs.A.L.Gandhimathi
Senior Counsel
for Mr.L.Palanimuthu for R4

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed praying to direct the 3rd respondent - CMDA to consider the petitioner's representation dated 13.02.2023 and to direct to comply with the direction of the 1st respondent in Letter No. 3352125 / UD- VI (3) / 2022 -5 dated 25.01.2023.

2.The petitioner averred in the Writ Petition that he is the absolute owner of the property situated in Old Door No.26, New Door No.12B, S.No.6015/1, Block No.134, Mahalakshmi Street, T.Nagar, Chennai – 600 017, ad measuring to an extent of 2 grounds and 226 sq.ft.,. The petitioner's mother and brother are the owners of the rear portion of the property in S.No.6015/2.



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3.He would further submit that his father was running a hotel, boarding and lodging house in the name and style of 'Nachiappa Park' in the said property from the year 2005 and blocked the passage between both the properties. The petitioner made a complaint before the 2nd and 3rd respondents citing deviations in the said building. Based on which, the 2nd respondent had issued a Stop Work Notice / Notice calling for approved plan dated 05.10.2017 for both the properties, identifying it as one single property.

4.Aggrieved by the said action, the petitioner filed a revision before the 1st respondent under Section 80 (A) and Section 80 (A) (3) of the Tamil Nadu Town and Country Planning Act. The 1st respondent vide its order dated 25.01.2023 had observed as follows:-

“12.After careful consideration of the facts of the case and the records and submissions of the petitioner and objector the Government hereby set aside the Locking and Sealing & Demolition notice dated 27.09.2022 and all other proceedings of Chennai Metropolitan Development Authority against the building. Chennai Metropolitan Development Authority is directed to take note of the two separate approvals



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issued for the construction of two buildings one in the front and another in the rear, workout the deviations with respect to both the approved plans and issue fresh Locking and Sealing & Demolition notices separately. The Locking and Sealing & Demolition notices shall indicate the deviations / violations with respect to each of the building in the front and rear portion and all the occupants / tenants in the building in compliance with the rules notified by the Government in G.O.Ms.No.195, Housing and Urban Development Department, dated 05.11.2022 for taking action on the unauthorized / deviated buildings as per the Tamil Nadu Town and Country Planning Act, 1971.”

5.According to the petitioner even after the order dated 25.01.2023, the respondents 2 and 3 did not take any action. Hence, he filed the present Writ Petition.

6.It is submitted by the petitioner counsel that as per the direction of the 1st respondent dated 25.01.2023, notice for compliance of the building in accordance with the planning permission dated 11.08.2023, has been sent to the petitioner and all occupants.



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7.Since the respondents 2 and 3 have taken enforcement action, they are directed to complete the enforcement action to reach the logical ends within a period of 8 weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of, with the above direction. No costs.

(J.N.B, J.) (N.M, J.)

29.11.2023

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Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

To

1. The Additional Secretary (Technical)

Housing and Urban Development Department,

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Chennai- 600 009.

2. The Chairman

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