



W.P.No.17421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.17421 of 2023 and

WMP Nos.16570 of 2023

V.M.Jafarullakhan

... Petitioner

Vs.

1. The State of Tamil Nadu, rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

2. The Executive Engineer, Greater Chennai Corporation,
Zone-05, Basin Bridge Road,
Royapuram, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pass orders on the petitioner's Appeal/Special Revision dated 16.03.2023 under Section 80-A of the Tamil Nadu Country Planning Act on merits and in accordance with law, within a time to be stipulated by this Court.



W.P.No.17421 of 2023

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader for R1

Mr.D.B.R.Prabu
Standing Counsel for R2

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Writ Petition has been filed to direct the first respondent to pass orders on the petitioner's Appeal/Special Revision dated 16.03.2023 under Section 80-A of the Tamil Nadu Country Planning Act on merits and in accordance with law, within a time to be stipulated by this Court.

2. The petitioner is the owner of the property in R.S.No.1761/2 & 1764/1, Door No.161, Portuguese Church Street, Sevenwells, Chennai, vide document No.1216/2018. The petitioner had applied for approval of building plan for construction of residential building in his property and vide order dated 03.06.2022, the Corporation of Chennai had accorded planning permission to construct ground + three floors of residential building. While the construction was ongoing, stop work notice dated 13.10.2022 was



W.P.No.17421 of 2023

issued, subsequently, lock and seal notice dated 22.02.2023 was also issued invoking Section 56 and 57 r/w Section 85 of Town and Country Planning Act. Therefore, the petitioner has filed an appeal dated 16.03.2023 under Section 80-A of the Act with a stay petition under Section 80-A(3) of the Act. Despite receipt of Appeal, the first respondent has not considered the appeal and stay petition. Now the petitioner is facing with coercive step of locking and sealing the premises by the respondents. Hence the writ petition.

3. The learned Additional Government Pleader appearing for the first respondent, on instructions, submitted that the Appeal filed by the petitioner will be considered and appropriate orders will be passed in accordance with law, within a time frame, as stipulated by this Court.

4. Considering the limited scope of prayer and also the submission made by the learned Additional Government Pleader, without expressing any opinion on merits, we inclined to pass the following order.



W.P.No.17421 of 2023

i) The first respondent is directed to consider the stay petition filed by the petitioner under Section 80-A(3) of Tamil Nadu Town and Country Planning Act, and pass orders, in accordance with law, within a period of two weeks from the the date of receipt of a copy of this order

ii) The first respondent is directed to decide the Appeal filed by the petitioner, on its own merits and in accordance with law, after providing opportunity of hearing to the petitioner.

iii) The petitioner shall co-operate for enquiry, during the appeal proceedings.

iv) The whole exercise shall be completed within twelve weeks from the date of receipt of a copy of this odrer.

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

(D.K.K.J.)

(P.D.B.J.)

13.06.2023

Internet: Yes/No
Index : Yes/No
mst



W.P.No.17421 of 2023

WEB COPY To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
2. The Executive Engineer, Greater Chennai Corporation,
Zone-05, Basin Bridge Road,
Royapuram, Chennai.



WEB COPY



W.P.No.17421 of 2023

D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

mst

W.P.No.17421 of 2023

13.06.2023