



W.P.No.17635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.17635 of 2023 and

WMP No.16726 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. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort. St. George, Secretariat, Chennai-9.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the second respondent from taking any coercive action of lock and sealing of the subject property pending disposal of the review petition before the first respondent filed under



W.P.No.17635 of 2023

Section 81 of Town and Country Planning Act dated 29.05.2023 by the petitioner society against the order, dismissing the revision petition in letter No.4393950/UD 6(2)/2023-2 dated 05.05.2023 affirming the De-occupation notice bearing letter Zone 07/DN-093/TPENF/242/2023 dated 07.03.2023 issued by the second respondent pertaining to the subject property situated behind No.5, Justice Rathinavel Pandian Street, Mogappair East, Chennai.

For Petitioner : Mr.Prabhakaran, Senior Counsel

for S.Conscious Ilango

For Respondents : Mr.J.Selvendran, Spl.Govt.Pleader for R1

Mr.J.Rvindran, Additional Advocate General,
Assisted by Mr.E.C.Ramesh,
Standing Counsel for R2

ORDER

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

This Writ Petition has been filed to forbear the second respondent from taking any coercive action of lock and sealing of the subject property pending disposal of the review petition before the first respondent filed under Section 81 of Town and Country Planning Act dated 29.05.2023 by the petitioner society against the order, dismissing the revision petition in letter No.4393950/UD 6(2)/2023-2 dated 05.05.2023 affirming the De-



W.P.No.17635 of 2023

occupation notice bearing letter Zone 07/DN-093/TPENF/242/2023 dated 07.03.2023 issued by the second respondent pertaining to the subject property situated behind No.5, Justice Rathinavel Pandian Street, Mogappair East, Chennai.

2. The petitioner society is the owner of the land bearing No.5, Justice Rathinavel Pandian Street, Mogappair East, Chennai. The petitioner Society has obtained planning permission for construction of multi storied residential flats for its members and to store the construction materials, they have constructed a temporary structure in the promboke land. Some unknown people made a complaint before the second respondent, as if the petitioner has put up construction without any permission from the authorities concerned. But, without considering the real fact, the second respondent had issued a lock and seal and de-occupation notice dated 07.03.2023. Against which, a revision petition, filed under Section 80-A of the Tamil Nadu Town and Country Planning Act by the petitioner was also dismissed by the first respondent on 05.05.2023. Therefore, the petitioner filed a Review petition before the first respondent on 29.05.2023. However,



W.P.No.17635 of 2023

the second respondent is taking coercive steps to lock and seal the subject matter of the property. Hence the writ petition.

3. The learned Special Government Pleader appearing for the first petitioner stoutly argued that the review application, as against order passed in the revision petition is not maintainable before the first respondent, as per the provisions of the Tamil Nadu Town and Country Planning Act. However, he submitted that the Review application filed by the petitioner will be considered and appropriate orders will be passed, in accordance with law.

4. Recording the submission made by the learned Special Government Pleader, the first respondent is directed to consider the Review application filed by the petitioner and pass order on its own merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and the second respondent shall not take any coercive steps till then.

5. With the above direction, this writ petition is disposed. No costs.



W.P.No.17635 of 2023

Consequently, connected miscellaneous petition is closed.

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(D.K.K.J.)

(P.D.B.J.)

15.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing & Urban Development Department,
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2. The Executive Engineer, Zone-7,
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W.P.No.17635 of 2023

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W.P.No.17635 of 2023

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