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W.P.No.20292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

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

**W.P.No.20292 of 2023
and
W.M.P.No.19642 of 2023**

Ibrahim Khaleellulah

... Petitioner

Vs.

1. The Secretary to the Government,
Housing and Urban Development
Department, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 3.
3. The Executive Engineer,
Zone-VIII, Greater Chennai Corporation,
No.36B Pulla Avenue, Shenoy Nagar,
Chennai - 600 003.
4. The Assistant Executive Engineer,
Unit 23, Zone-VIII, Greater Chennai Corporation,
No.36B Pulla Avenue, Shenoy Nagar,
Chennai - 600 003.
5. The Assistant Engineer,



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Div-99., Unit-23, Zone-VIII,
Greater Chennai Corporation,
No.36B Pulla Avenue, Shenoy Nagar,
Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the 2nd to 5th respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in New No.99, Old Door No.38, Dr.Alagappa Road, Purasaiwalkam, Chennai - 600 084 in pursuance of the Notice in letter No.:Zone-VIII/TPENF/308-2/2023 dated 27.02.2023; till the disposal of petitioner's Appeal/Revision U/s 80A dated 24.04.2023 on the file of the 1st respondent.

For Petitioner : Mr.A.Sathiya Prakash

For Respondents : Mr.A.Selvendran,
Special Government Pleader for R1
Ms.Vanitha Joice Rani
Standing Counsel for R2 to R5

ORDER

This writ petition has been filed to forebear the respondents 2 to 5 from initiating any coercive action with regard to property comprised in New No.99, Old Door No.38, Dr.Alagappa Road, Purasaiwalkam,



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Chennai - 600 084, in pursuance of the Notice dated 27.02.2023, till the disposal of petitioner's Appeal/Revision under section 80A dated 24.04.2023, on the file of the 1st respondent.

2. According to the petitioner, he is the owner of the land and building at New No.99 Old Door No.38, Dr.Alagappa Road, Purasaiwalkam, Chennai - 600 084. He had obtained planning permission in PPA.No.PPA/WDCN08/07002/2021 on 28.09.2021 to construct a building in the subject property and he had also constructed the building without any deviation. While so, the respondent Corporation issued Lock and Seal notice dated 27.02.2023, without giving an opportunity to rectify the minor set-back deviations. Aggrieved by the Lock and Seal notice, the petitioner preferred statutory appeal under Section 80A of the Tamil Nadu Town and Country Planning Act and the same is pending before the 1st respondent. According to the petitioner, during the pendency of the said appeal, coercive steps have been taken for demolition of the building. Therefore, the above writ petition has been filed.

3. Considering the said submission by the learned counsel for the petitioner, without going into the merits of the matter, a direction is



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issued to the 1st respondent to dispose of the petitioner's appeal dated 24.04.2023, filed under Section 80A of the Tamil Nadu Town and Country Planning Act, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)
10.07.2023

Index : Yes / No
vsi

To

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5. The Assistant Engineer,
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J. NISHA BANU, J.
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