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W.P.No.21528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

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

**W.P.No.21528 of 2023
and
W.M.P.No.20896 of 2023**

H.Chitra

..Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 005.
2. The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
Chennai - 600 003.
3. The Executive Engineer, Zone-15,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai
(Old Mahabalipuram Road)
Sozhinganallur,
Chennai - 600 119.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus to forbear the 2nd and 3rd respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in Door No.1/318, Thanthai Periyar Street, Injambakkam Village, Sholinganallur Taluk, Chennai District comprised in Gramantham Patta No.407, Old Survey No.326/17, measuring to an extent of 194 sq.ft., i.e., 2088 sq.ft., till the disposal of the petitioners' appeal petition submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act to the 1st respondent.

For Petitioner : Mr.S.Muhamed Uduman

For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1
Mr.D.B.R.Prabhu,
Standing Counsel for R2 and R3

ORDER

Mr.P.Gurunathan, learned Additional Government Pleader takes notice for the 1st respondent. Mr.D.B.R.Prabhu, learned Standing Counsel takes notice for the 2nd and 3rd respondents. By consent of both parties, the main writ petition itself is taken up for final disposal.

2. This writ petition has been filed to forbear the 2nd and 3rd



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respondents from initiating any coercive action with regard to property comprised in Door No.1/318, Thanthai Periyar Street, Injambakkam Village, Sholinganallur Taluk, Chennai District comprised in Gramantham Patta No.407, Old Survey No.326/17, measuring to an extent of 194 sq.ft., i.e., 2088 sq.ft., till the disposal of the petitioner's appeal petition submitted under Section 80-A of the Tamil Nadu Town and Country Planning Act to the 1st respondent.

3. According to the petitioner, she is the owner of the property at Door No.1/318, Thanthai Periyar Street, Injambakkam Village, Sholinganallur Taluk, Chennai District, comprised in Gramantham Patta No.407, Old Survey No.326/17, measuring to an extent of 194 sq.mts., i.e., 2088 sq.ft. She started to construct a building through an agent in the aforesaid land. She was informed by the agent that all permission would be issued by the authority within a month. While so, the 3rd respondent Corporation issued Lock & Seal and demolition notice dated 08.06.2023 alleging that the construction made in the subject property is without necessary permission. Aggrieved by the Lock & Seal and demolition notice, the petitioner preferred statutory appeal on 27.06.2023 under Section 80A of the Tamil Nadu Town and Country Planning Act and the



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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.

4. Considering the said submission made by the learned counsel for the petitioner, without going into the merits of the matter, a direction is issued to the 1st respondent to dispose of the petitioner's appeal dated 27.06.2023, 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.)
21.07.2023

Index : Yes / No
Internet : Yes
vsi

To

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Housing and Urban Development Department,



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