



WEB COPY



W.P.No.27077 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

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

**W.P.No.27077 of 2023
and W.M.P.No.26519 of 2023**

1. S.SHAIK SULAIMAN

2. S.NOORAL JASMI

... Petitioners

Vs.

1. THE GOVERNMENT OF TAMIL NADU
REP BY ITS SECRETARY TO GOVERNMENT,
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI- 600 009.

2. THE CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
REP BY ITS MEMBER SECRETARY,
NO.1, GANDHI- IRWIN ROAD, CHENNAI- 008.

3. THE ASSISTANT EXECUTIVE ENGINEER
THE GREATER CHENNAI CORPORATION,
ZONAL OFFICE, UNIT-14, DIVISION 061,
PUDUPET, CHENNAI-02.

4. THE EXECUTIVE ENGINEER
THE GREATER CHENNAI CORPORATION,
ZONE- 05, ZONAL OFFICE, CHENNAI- 03.

5. THE ASSISTANT ENGINEER
THE GREATER CHENNAI CORPORATION,
ZONAL OFFICE, DIVISION 061,
PUDUPET, CHENNAI- 02.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, forbearing the 2nd to 5th respondents from in anyway interfering with the building consisting of ground and first floor at New Door No.35, old Door No.18, Thulasingham Naicken Street, Pudupet, Chennai- 600 002, particularly by a way of locking and sealing and demolition, pending final determination of petitioner's special revision petitioner under Section 80-A and 80-A (3) of the Tamil Nadu Town and Country Planning Act dated 01.03.2017 with the 1st respondent.

For Petitioners : Mr.R.K.Gandhi

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader for R1
Mr.C.N.Vinobha
Standing Counsel for R2
Mr.D.B.R.Prabhu
Standing Counsel for RR3 to 5

ORDER

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

This Writ Petition has been filed to forbear the respondents 2 to 5 from in anyway interfering with the building at New Door No.35, old Door No.18, Thulasingham Naicken Street, Pudupet, Chennai- 600 002, particularly by way of locking and sealing and demolition, pending final determination of petitioner's special revision petition dated 01.03.2017, filed under Section 80-



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A and 80-A (3) of the Tamil Nadu Town and Country Planning Act, before the 1st respondent.

2.It is the case of the petitioners that the property situated at New Door No.35, Old Door No.18, Thulasingham Naicken Street, Pudupet, Chennai – 600 002, comprised in R.S.No.1574/1, Block No.48 at Egmore Village, measuring an extent of 2012 sq.ft., as per Patta 1992 sq.ft., belonged to them. After obtaining necessary planning permit and building approval from the respondents, they started constructing a building. While so, the 2nd respondent issued a Locking and Sealing and Demolition Notice dated 17.05.2023, stating that the entire construction is unauthorized one and the same has been constructed without obtaining planning permission, required under Section 49 of the Town and Country Planning Act, 1971.

3.Aggrieved by the above said notice, the petitioners have preferred an appeal dated 20.06.2023 under Section 80 (A) of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent and the same is pending. Hence, the present writ petition seeking the aforesaid relief.



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4.The learned counsel for the petitioners would state that the appeal is pending and the prayer for interim order of stay has also not been considered and hence, the petitioners apprehend that coercive steps will be taken against the petitioners.

5.Since the statutory appeal under Section 80A is pending, we direct the 1st respondent to dispose of the appeal dated 20.06.2023, filed by the petitioners under Section 80A of the Town and Country Planning Act, within a period of four weeks from the date of receipt of a copy of this order. Till then, the respondents are directed not to take any coercive action against the petitioners.

6.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B, J.)

(N.M, J.)

19.09.2023

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

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Note:Registry is directed to issue certified copy of this order after the requisite Court Fee is paid for each of the petitioner.



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To

1. THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI- 600 009.
2. THE MEMBER SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
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