



W.P.No.25219 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.25219 of 2023
and
W.M.P.No.24631 of 2023

R.Shanmugam
S/o Ramachandran

.... Petitioner

vs

1. Government, of Tamilnadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

2. St.Thomas Mount Panchayat Union,
rep. by its Commissioner,
Chitlapakkam,
Chennai - 600 064.

3. E.P.Gopalakrishnan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus forbearing the 2nd respondent from in anyway



W.P.No.25219 of 2023

interfering with the petitioner's building at Plot No.4, VGP Pushpa Nagar, also known as No.4, Velachery Main Road, medavakkam, Chennai - 600 100, comprised in S.No.387/3, of Medavakkam Village particularly by way of locking and sealing and or demolition of the same, pending final determination of the petitioner's special revision petition dated 18.08.2023 with the 1st respondent under Section 80(A) & 80(A)(3) of the Town and Country Planning Act 1971.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader
for R1 & R2

ORDER

(The Order of the court was made by J.Nisha Banu,J.)

The present Writ Petition has been filed seeking a Writ of Mandamus forbearing the 2nd respondent from in anyway interfering with the petitioner's building at Plot No.4, VGP Pushpa Nagar, also known as No.4, Velachery Main Road, medavakkam, Chennai - 600 100, comprised in S.No.387/3, of Medavakkam Village, particularly, by way of locking and sealing and or demolition of the same, pending final determination of the petitioner's special revision petition dated 18.08.2023 with the 1st



W.P.No.25219 of 2023

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respondent under Section 80(A) & 80(A)(3) of the Town and Country Planning Act 1971.

2. The case of the petitioner is that he is the occupying the entire ground floor in the building situated in the aforesaid address comprised in S.No.387/3 of Medavakkam Village by virtue of a lease agreement with the 3rd respondent for his Bicycle showroom. The 2nd respondent has proposed to demolish a portion of the ground floor building and the staircase leading to the first floor. The 2nd respondent officials measured the ground floor portion for the purpose of demolition but no notice was served to the petitioner. The petitioner approached the 1st respondent, a statutory revisionary authority under Section 80(A) and sought for stay of all further proceeding of the 2nd respondent under Tamil Nadu Town and Country Planning Act, 1971 by way of a special revision petition dated 18.08.2023, received on 21.08.2023 by the 1st respondent and it is pending till date. The said special revision petition is against the decision and proposed action to demolish the ground floor occupied by the petitioner without any notice as contemplated under sections 56(2) and 56(2)(iii) of the Town and Country Planning Act. Hence, the present writ petition seeking the aforesaid relief.

3. Learned counsel for the petitioner would state that the special



W.P.No.25219 of 2023

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revision petition is pending and the prayer for interim order of stay has also not been considered and hence, the petitioner apprehend that coercive steps will be taken against the petitioner.

4. Since the Special Revision Petition under Section 80A is pending, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to dispose of the special revision petition dated 18.08.2023, filed by the petitioner under Section 80A of the Town and Country Planning Act, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the 1st and 2nd respondents shall not taken any coercive steps against the building in question.

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

(J.N.B.,J.) (N.M.,J.)
21.09.2023

Index:Yes/No
Speaking/Non-speaking order
vsi

To



W.P.No.25219 of 2023

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1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St.George,
Chennai - 600 009./
2. Greater Chennai Corporation,
rep. by its Commissioner,
Ripon Building,
Chennai - 600 009.
3. The Executive Engineer,
Zone-8, Greater Chennai Corporation (East),
2nd Cross Street, Pullah Avenue,
Shenoy Nagar,
Chennai - 30.



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W.P.No.25219 of 2023

J.NISHA BANU,J.
and
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vsi

W.P.No.25219 of 2023

21.09.2023