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W.P.No.25475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM

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

W.P.No.25475 of 2023
and
W.M.P.Nos.24870 & 24873 of 2023

1. M/s. Sunda Display
rep. by its Proprietor,
Mr.Ravindra Singh,
S/o Himsingh, M/A 28 years,
carrying on business at
No.109, Periyar Paathai West,
Arumbakkam,
Chennai - 600 106.

2. A.Poongavanam

.... Petitioners

vs

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.



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3. The Executive Engineer,
Zone-8, Greater Chennai Corporation (East),
2nd Cross Street, Pullah Avenue,
Shenoy Nagar,
Chennai - 30.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 2nd and 3rd respondents from in anyway interfering with the building consisting of ground and first floor at No.109 Periyar Paathai West, Arumbakkam, Chennai - 600 106, particularly by way of locking and sealing and demolition pending final determination of petitioners special revision petition under 80(A) and 80(A)(3) of the Town and Country Planning Act dated 21.08.2023 with the 1st respondent.

For Petitioner : Mr.D.S.Rajasekaran

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

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus forbearing the 2nd and 3rd respondents from in anyway interfering with the building consisting of ground and first floor at No.109 Periyar Paathai West,



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Arumbakkam, Chennai - 600 106, particularly, by way of locking and sealing and demolition pending final determination of petitioners special revision petition under 80(A) and 80(A)(3) of the Town and Country Planning Act dated 21.08.2023 with the 1st respondent.

2. The case of the petitioner is that the 1st petitioner is the occupier of the ground floor of the subject premises under lease with the 2nd petitioner, who is the owner of the land and building. Both the petitioners are commonly aggrieved by the action of locking and sealing & demolition notice issued by the 3rd respondent stating that the said building is in deviation of setbacks. Since there is violation, the respondents had initiated enforcement action to bring the building in accordance with rules. Being aggrieved against the same, the petitioners have preferred special revision petition under Section 80 of the Town and Country Planning Act and the same is pending. Hence, the present writ petition seeking the aforesaid relief.

3. Learned counsel for the petitioners would state that the special revision petition 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.



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4. Since the Special Revision Petition under Section 80A is pending, this Court, without going into the merits of the claim made by the petitioners, directs the 1st respondent to dispose of the special revision petition dated 21.08.2023, filed by the petitioners 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 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, WMP.No.24870/2023 is ordered and WMP.28473/2023 is closed.

(J.N.B.,J.) (N.M.,J.)
29.08.2023

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

To

1. The Secretary to Government,
Housing and Urban Development Department,
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2. Greater Chennai Corporation,
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