



W.P.No.25624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

AND

THE HONOURABLE Mr.JUSTICE.V.LAKSHMINARAYANAN

W.P.No.25624 of 2023

N.Parasuraman

Vs

..Petitioner

1.The Secretary to Government
Government of Tamil Nadu,
Housing and Urban Development,
Secretariat, Chennai - 600 009.

2 The Corporation of Chennai
Represented by its Commissioner,
Rippon Buildings, No 1131, EVR PeriyarSalai,
Park Town Chennai 600 003

3 The Executive Engineer, Zone IX,
Corporation of Chennai,
No 1 Lake Area, 4th Cross Street,
Nungambakkam, Chennai.

4 The Assistant Engineer, Zone IX,
Corporation of Chennai,
No 1 Lake Area 4th Cross Street,
Nungambakkam, Chennai.



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5 The Assistant Executive Engineer, Zone IX,
Corporation Of Chennai,
No.1, Lake Area , 4th Cross Street,
Nungambakkam, Chennai

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st Respondent to dispose the petitioner's Revision petition filed under Section 80A of Town and Country Planning Act dated 30.06.2023 within the time frame fixed by this Hon'ble Court and further direct the Respondents 2 to 5 to permit the petitioner use the property situate in Old Door No. 91, New Door No 22, Rajaji 3rd street, Pushpa Nagar, Nungambakkam, Chennai 600 034.

For Petitioner : Mr.Dhalapathy Vignesh Kumar

For Respondents : Mr.E.Vijay Anand for R1
Additional Government Pleader
Mr.E.C.Ramesh for R2 to R5
Standing Counsel

ORDER

(The order of the Court was made by V.LAKSHMINARAYANAN,J)

The writ petition seeks for a Writ of Mandamus, directing the 1st respondent, to dispose the petitioner's Revision petition filed under Section 80A of Town and Country Planning Act dated 30.06.2023.



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2. Learned counsel for the petitioner would submit that, petitioner is the owner of the property, situated at Old No.91, New No.22, Rajaji 3rd Street, Pushpa Nagar, Nungambakkam, Chennai - 600 034. After purchasing the property, he had applied for building plan approval and started construction. While being so, a third party one D.Arunagiri had filed a writ petition in W.P.No. 12352 of 2023 to demolish the construction and this Court vide order dated 28.04.2023 had directed the respondents to initiate action on the unauthorised construction. Pursuant to which, the Corporation officials issued Section 56 notice to the petitioner. Aggrieved against the same, the petitioner had preferred a Revision Petition under Section 80A of the Town and Country Planning Act before the 1st respondent and the same is pending. Hence, the present writ petition.

3. Learned Additional Government Pleader appearing for R1 would submit that, pursuant to the order passed by this Court in W.P.No. 12352 of 2023, a lock and seal notice dated 25.04.2023 was issued by the 3rd respondent. Against the said notice, the petitioner had filed a revision petition under Section 80A of the Town and Country Planning Act and the same is pending.



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4. In the light of the above submissions, there shall be a direction to the 1st respondent, to consider the revision petition filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act and pass orders on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order. Till such time there shall be an order of *status quo*.

5. With the above direction, this Writ Petition is disposed of.
No costs.

(J.N.B.,J.) (V.L.N.,J.)
31.08.2023

Index: Yes/No

Speaking/Non-speaking order

msv

To

1. The Secretary to Government
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2. The Commissioner,
The Corporation of Chennai
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