



W.P.No.26485 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

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

W.P.No.26485 of 2023
and
W.M.P.Nos.25892 & 25936 of 2023

The Evangelical Church of India (ECI)
rep. by Rt.Rev.Dr.J.a.david Onesimu
Bishop-President,
no.1, second Street, Ormes Road,
Kilpauk, Chennai,
Tamil Nadu - 600 010

.... Petitioner

VS

1. The State of Tamilnadu,
rep. by the Secretary,
Housing and Urban development Department,
Fort St.George,
Chennai - 600 009.
2. The Member - Secretary,
CMDA, No.8, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.
3. The Commissioner,
Tambaram Corporation,
Muthurangan Street, Tambaram,
Chennai - 600 045.



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4. The Pallavaram Municipality,
REp. by tis Municipal Commissioner,
3rd Main Road, Pallavapuram, Shasri Colony,
Chrompet, Chennai,
Tamil Nadu 600 044

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records of the 3rd respondent pertaining to the impugned order dated 30.08.2023 signed dated 30.05.2023 bearing Notice No.03/Zone-3/2023 and quash the same and consequently forbear the respondents from in any way interfering with the petitioner's peaceful possession and enjoyment of the building and property admeasuring 4400 sq.ft. comprised in No.30, Rajendra Prasad road, Chrompet, Chennai - 600 044 situated in S.No.12/4A1part in Pallavaram Division, Pallavaram Town, Chengalpet District except in accordance with law.

For Petitioner : Mr.P.Wilson,
Senior Counsel
for M/s.P.Wilson Associates

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader
for R1
Mr.C.N.Vonobha,
Standing Counsel for R2
Mr.P.Srinivas,
Standing Counsel for R3 & R4



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ORDER

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(The Order of the Court was made by J.Nisha Banu,J)
Mr.E.Vijayanand, learned Additional Government Pleader takes notice for the 1st respondent, Mr.C.N.Vinobha, learned Standing counsel takes notice for the 2nd respondent and Mr.P.Srinivas, learned Standing Counsel takes notice for the 3rd and 4th respondent. By consent of both parties, the main writ petition is taken up for disposal at the admission stage itself.

2. This writ petition has been filed challenging the order passed by the 3rd respondent, by which, lock and seal notice was issued in respect of the petitioner premises and consequently, forbear the respondents from in any way interfering with the petitioner's peaceful possession and enjoyment of the building and property admeasuring 4400 sq.ft. comprised in No.30, Rajendra Prasad Road, Chrompet, Chennai - 600 044 situated in S.No.12/4A1part in Pallavaram Division, Pallavaram Town, Chengalpet District except in accordance with law.

3. The main grievance of the petitioner is that without considering the application of the petitioner which is pending for planning permission, the



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3rd respondent has hastily issued the impugned order directing the petitioner to restore the building to its original state and if the petitioner does not stop the usage of the building, they will lock and seal the building.

4. Learned senior counsel appearing for the petitioner would state that though the petitioner has made an application for planning permission to the Pallavaram Municipal Corporation, the Pallavaram Municipal Corporation has now been merged with the Tambaram Corporation and therefore, his application is lying in the office of Commissioner, Tambaram Corporation. The main grievance of the petitioner is that though the application for planning permission was made on 22.11.2021 itself, till date no order has been passed on the application.

5. Considering the above submission made by the learned senior counsel, without expressing any view on the merits of the claim made by the petitioner, the 3rd respondent is directed to consider the application of the petitioner dated 22.11.2021 for planning permission, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action as against the subject



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property in issue. No costs. consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
11.09.2023

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

Note:

Issue order copy today

To

1. The State of Tamilnadu,
rep. by the Secretary,
Housing and Urban development Department,
Fort St.George, Chennai - 600 009.
2. The Member - Secretary,
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3. The Commissioner,
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4. The Pallavaram Municipality,
REp. by tis Municipal Commissioner,
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and
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