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W.P.No.27195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

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

**W.P.No.27195 of 2023
and W.M.P.No.26626 of 2023**

GEETHA DEVENDRAN

... Petitioner

Vs.

1. THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
FORT ST. GEORGE, CHENNAI 600 009.

2. THE ASSISTANT ENGINEER
GREATER CHENNAI CORPORATION, DIVISION 75, ZONE -6 THIRUVI, KA.NAGAR
CHENNAI 600 082

3. THE ASSISTANT EXECUTIVE ENGINEER
UNIT 17, ZONE -6, GREATER CHENNAI CORPORATION, THIRUVI.KA. NAGAR
CHENNAI 600 082

4. THE EXECUTIVE ENGINEER
ZONE 6, GREATER CHENNAI CORPORATION
THIRUVI. KA. NAGAR, CHENNAI 600 023.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to consider and pass orders on the petitioner's appeal dated 29.12.2021 filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and to forbear the respondents 2 to 4 from initiating any coercive action against the petitioner property bearing No.6/97, Padavattamman Koil Street, Chennai –



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600 012, in Locking & Sealing Notice dated 14.12.2021 in Notice No.ZONE-06/00407/2021.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader for R1
Mr.D.B.R.Prabhu
Standing Counsel for RR2 to 4

ORDER

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

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the 1st respondent to consider and pass orders on the petitioner's appeal dated 29.12.2021 filed under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and to forbear the respondents 2 to 4 from initiating any coercive action against the petitioner's property bearing No.6/97, Padavattamman Koil Street, Chennai – 600 012, in Locking & Sealing Notice dated 14.12.2021.

2.The property situated at No.6/97, Padavattamman Koil Street, Chennai – 600 012, was inherited to the petitioner, from her mother through the settlement deed dated 14.09.2004. Thereafter, the petitioner developed the property by putting up construction in the said plot by obtaining necessary



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approval from the Greater Chennai Corporation vide Approval No.D/318/2005 dated 27.06.2005. While so, on 12.06.2021, the respondents without effecting any notice on the petitioner, conducted inspection and started to measure the premises. Thereafter, the respondents issued the Locking & Sealing and Demolition notice No.06/00407/2021 dated 14.12.2021 under Section 57 read with Section 65 of the Tamil Nadu Town and Country Planning Act, 1971, thereby called upon the petitioner to bring the building according to the sanctioned plan, by removing the unauthorized construction, within a period of 30 days. Aggrieved by the above said notice, the petitioner has preferred an appeal dated 29.12.2021 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.

3.The learned counsel for the petitioner would state that the appeal 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 them.



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4. Since the appeal 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 appeal dated 29.12.2021, 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 respondents shall not take 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.)

15.09.2023

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

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To

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