



WEB COPY



W.P.No.27384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

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

**W.P.No.27384 of 2023
and W.M.P.No.26830 of 2023**

R.Thendral

... Petitioner

Vs.

1.Secretary to Government
Housing and Urban Development
Secretariat, Chennai – 600 009.

2.The Assistant Engineer
The Greater Chennai Corporation
Division 074, Perambur High Road
Chennai – 600 012.

3.The Assistant Executive Engineer
The Greater Chennai Corporation
Unit – 16, Strans Road
Chennai – 600 012.

4.The Executive Engineer
The Greater Chennai Corporation
Zone – 06, Strans Road
Chennai – 600 012.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, forbearing the respondents from initiating any coercive action pursuant to the impugned notice dated 01.08.2023 issued under Section 56 – Sub Section 29(A) & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, till the disposal of the Special Revision Petition dated 30.08.2023 filed under Section 80 (A) of the Tamil Nadu Town and Country Planning Act, 1971 with respect to the building at D.No.1, Egangipuram 1st Main Street, Ayanavaram, Chennai – 600 003.

For Petitioner : Mr.K.Sivasubramanian

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 to forbear the respondents from initiating any coercive action pursuant to the impugned notice dated 01.08.2023 till the disposal of the Special Revision Petition dated 30.08.2023 filed under Section 80 (A) of the Tamil Nadu Town and Country Planning Act, 1971 with respect to the building at D.No.1, Egangipuram 1st Main Street, Ayanavaram, Chennai – 600 003.



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2.The petitioner's residential building was constructed by his grandfather more than 45 years ago, i.e., even before the enactment of the Act. The respondents issued a lock & seal and demolition notice dated 21.07.2022 and the impugned De-occupation notice dated 01.08.2023 and subsequently sealed the premises, which is a residential building. Aggrieved by the above said De-occupation notice, the petitioner has preferred a Special Revision dated 30.08.2023 filed 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 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 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 30.08.2023, filed by the petitioner under Section 80A of the Town and



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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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