



W.P.No.28114 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

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

W.P.No.28114 of 2023

Theetharappan.V.R.,
S/o Ranganathan

.... Petitioner

VS

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

2. Greater Chennai Corporation,
rep. by its Commissioner,
Ripon Building,
Chennai - 600 003.

3. Greater Chennai Corporation,
Rep. by its Executive Engineer,
Zone VIII, 2nd Cross Street (East),
Pulla Avenue,
Chennai - 600 030.

4. Grace Hepzibah,
D/o Late Martin Samuel

...Respondents



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Prayer:
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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 petitioner's premises situated at ground floor building put up at Flat No.G1 and G2, Martin Enclave, Door No.4, Dr.Ambedkar Street, Arumbakkam, Chennai - 600 106 particularly by way of locking and sealing and or demolition pending final determination of the Special Revision Petition under Section 80(A) & 80(A)(3) of the town and Country Planning Act, 1971 dated 11.09.2023 with the 1st respondent.

For Petitioner : Mr.D.S.Rajasekaran

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

ORDER

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

This writ petition has been filed to issue a Writ of Mandamus forbearing the 2nd and 3rd respondents from in anyway interfering with the petitioner's premises situated at ground floor building put up at Flat No.G1 and G2, Martin Enclave, Door No.4, Dr.Ambedkar Street, Arumbakkam, Chennai - 600 106 particularly by way of locking and sealing and or



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demolition pending final determination of the Special Revision Petition under Section 80(A) & 80(A)(3) of the Town and Country Planning Act, 1971 dated 11.09.2023 with the 1st respondent.

2. The case of the petitioner is he is the occupier of Flats viz., G1 and G2 in the ground floor, martin Enclave, Door No.4, Dr.Ambedkar Street, Arumbakkam, Chennai - 600 106 by virtue of lease agreement with the 4th respondent and her mother Mrs.Sarah Catherin dated 15.10.2022 vide 2 lease agreements and at present owned by 4th respondent as the only surviving legal heir of her late mother Mrs.Sarah Catherin. The 3rd respondent had issued lock and seal notice dated 29.06.2021 to the 4th respondent. Since the petitioner is the occupier he had not been issued with any notice till date and aggrieved by the decision of locking and sealing by the 3rd respondent, the petitioner preferred a Special Revision petition to the 1st respondent under Section 80(A) and sought for stay petition under Section 80(A)(3) of the Tamil Nadu Town and Country Planning Act before the 1st respondent on 11.09.2023 which was received by the 1st respondent on 12.09.2023 and the same is pending till date. Hence, the present writ petition with the aforesaid relief.

3. Learned counsel for the petitioner would state that the special



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revision petition is pending and the prayer for interim order of stay has also not been considered and hence, the petitioner apprehends 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 11.09.2023, filed by the petitioner under Section 80A of the Tamil Nadu 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 1st to 3rd 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.)

25.09.2023

vsi

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No



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