



W.P.No.28241 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

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

**W.P.No.28241 of 2023
and W.M.P.No.27759 of 2023**

S.P.Ravikumar

..... Petitioner

Vs

1. The Secretary to Government
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.

2. The Commissioner,
Greater Chennai Corporation
Ripon Buildings,
Chennai – 600 003.

3 The Executive Engineer
Greater Corporation of Chennai
Zone-IX, No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai – 600 034.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, forbearing the 2nd and 3rd respondents or



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anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the flat put up at 1-F, Ground Floor, Rajathi Apartments, No.19/10, South Boag Road, T.Nagar, Chennai – 600 017 till the determination of the petitioner's special revision petition filed u/s 80(A) of the Town and Country Planning Act dated 19.09.2023 to the 1st respondent herein.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.E.Vijay Anand for R1
Additional Government Pleader
Mr.D.B.R.Prabhu for R2 and R3
Standing Counsel

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

Mr.E.Vijay Anand, learned Additional Government Pleader takes notice for the 1st respondent. Mr.D.B.R.Prabhu, learned Standing Counsel takes notice for the 2nd and 3rd respondents.

2. By consent of both parties, the main writ petition itself is taken up for final disposal.



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3. This writ petition has been filed for forbearing the 2nd and 3rd respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the flat put up at 1-F, Ground Floor, Rajathi Apartments, South Boag Road, T.Nagar, Chennai – 600 017 till the determination of the petitioner's special revision petition filed u/s 80(A) of the Town and Country Planning Act dated 19.09.2023 to the 1st respondent herein.

4. According to the learned counsel for the petitioner, the petitioner is the owner of the residential flat situated at 1-F, Ground Floor, Rajathi Apartments, No.19/10, South Boag Road, T.Nagar, Chennai – 600 017 which he acquired from his brother late Mr.P.Madankumar by virtue of succession.

(i). The planning permission was accorded in the name of his father and others for construction of ground + 3 floors of residential flats. Thereafter, his father and others entered into Joint Development Agreement with M/s.Pioneer Homes Syndicate Pvt. Ltd., in the year 1983. After the said agreement was entered into, the developer put up the residential flats in the said property situated at No.19/10, South Boag Road, T.Nagar, Chennai – 600 017 and allotted the respective flats



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together with proportionate undivided shares of land to the respective buyers as well as for the land owners use and occupation. The entire construction was over as early as in the year 1985. During the course of constructions, the developer made certain variations in the constructions partially at ground floor level and partially at terrace.

(ii). The petitioner and his family members have occupied the said flats as per their respective share in terms of the memorandum of family arrangement. One such flat put up at the ground floor bearing Flat No.1-F, was allotted to the petitioner's brother. Since 1986 onwards, the flats put up in the said complex viz., "Rajathi Apartments" was assessed for payment of property tax in the name of respective owners which include the petitioner as well as his brother and other family members by Corporation of Chennai which they have been paying regularly. The entire constructions was put up more or less in accordance with the planning permission and the rules prevailed during the year 1981.

(iii). During the year 2012, as one of the residents was running Hair Dressing Saloon in the said complex, few residents of the said apartment objected to the same and complained to the Corporation



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authorities. On account of such complaints, the officials of Corporation of Chennai caused inspection to the building in the year 2012 and noted down the nature of deviations and violations in the constructions from the original approved plan and thereafter, issued lock and seal notice dated 06.07.2012. Aggrieved by the lock and seal notice dated 06.07.2012, the petitioner preferred a revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act and the same is pending.

5. Considering the said submission made by the learned counsel for the petitioner, without going into the merits of the matter, 1st respondent is directed to dispose of the revision petition dated 19.09.2023, filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, on merits and in accordance with law, after affording due opportunity to all the interested parties, including Mr.R.Muddu Malla Reddy, who is the owner of Flat No.4G of the aforesaid Rajathi Apartments. The said exercise shall be done within a period of eight(8) weeks from the date of receipt of a copy of this order. The respondents are directed not to take any coercive steps till then.



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6. Accordingly, the Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)
26.09.2023

Index : Yes / No
Internet : Yes/No
Speaking order: Non-speaking order
msv

To

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