



W.P.No.28488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM:

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

**W.P.No.28488 of 2023
and W.M.P.No.28037 of 2023**

1.N.Subbarayalu
2.K.Ramkumar
3.R.Yuvaraj
4.K.Jeeva
5.C.Kumaresan

... Petitioners

Vs.

1.The Government of Tamil Nadu
Rep.by its Secretary
Housing and Urban Development Department
Chennai – 600 009.

2.Greater Chennai Corporation
Rep.by its Commissioner
Ripon Building
Chennai – 600 003.

3.The Executive Engineer
Zone – VIII, Greater Chennai Corporation
36-B, Second Cross Street
Shenoy Nagar, Chennai – 600 030.

4.B.Gnanasekaran

... Respondents



W.P.No.28488 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider the representation dated 23.09.2023 submitted on 25.09.2023 under Section 80 (A) of the Town and Country Planning Act in deferring the enforcement action of locking and sealing and demolition of the building put up at No.127, Panjali Amman Koil Street, Arumbakkam, Chennai – 600 106, pursuant to the notice dated 20.09.2023 issued by the 3rd respondent, by granting sufficient and reasonable time.

For Petitioners : Mr.V.Murugavel

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader for R1
Mr.D.B.R.Prabhu
Standing Counsel for RR2 & 3

ORDER

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

This Writ Petition has been filed to direct the respondents 1 to 3 to consider the representation dated 23.09.2023 submitted on 25.09.2023 under Section 80 (A) of the Town and Country Planning Act in deferring the enforcement action of locking and sealing and demolition of the building put up at No.127, Panjali Amman Koil Street, Arumbakkam, Chennai – 600 106, pursuant to the notice dated 20.09.2023 issued by the 3rd respondent, by granting sufficient and reasonable time.



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2. Petitioners herein are the lawful tenants of premises under the 4th respondent, with regard to the flats put up at No.127, Panjali Amman Koil Street, Arumbakkam, Chennai – 600 106. Rental agreement was entered into with the 4th respondent herein, whose wife is the present owner of the premises. There is no dispute between the petitioners and the landlord.

3. All of a sudden on 20.09.2023, the petitioners were issued with a notice of de-occupation by the 3rd respondent, alleging deviations and violations in the construction, under Section 56 of the Town and Country Planning Act and further called upon the petitioners to discontinue the use and occupation of the premises within 7 days. Being aggrieved against the said de-occupation notice, the petitioners have preferred an appeal under Section 80-A of the Town and Country Planning Act and the same is pending. Hence, the present Writ Petition has been filed with the above relief.

4. Learned counsel appearing for the petitioners would submit that the petitioners, who are the tenants under the fourth respondent, have filed an appeal under Section 80-A, seeking time to vacate the premises and till then, they should not be disturbed.



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5. Admittedly, the petitioners are the tenants. Since it is middle of the academic year, taking into consideration the welfare of the children, it would be appropriate to grant some time to the petitioners to vacate the premises. Accordingly, the petitioners are granted four(04) months time to vacate the premises. Till then, the respondents 2 & 3 shall not take coercive action against the petitioners. 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.)
27.09.2023

Index : Yes / No
Internet : Yes / No
Speaking order/Non-speaking order
Neutral Citation : Yes / No

jer/sts

Note:Registry is directed to issue certified copy of this order after the requisite Court Fee is paid for each of the petitioners.



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To:

- 1.The Secretary
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- 3.The Executive Engineer
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J. NISHA BANU, J.
and
N.MALA, J.

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