



W.P.No.29935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.29935 of 2023
and W.M.P.No.29544 of 2023

R.RAJAN

... Petitioner

Vs.

1. THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT SECRETARIAT,
CHENNAI 9

2. THE COMMISSIONER
TAMBARAM CITY MUNICIPAL CORPORATION,
TAMBARAM, CHENNAI 45.

3. THE ASST. ENGINEER (PLANNING)
ZONE 2 , TAMBARAM CITY MUNICIPAL CORPORATION,
TAMBARAM, CHENNAI 45.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the Impugned Notice issued to the petitioner by the 2nd respondent dated 07.09.2023 in Notice No. 1/ 2023 quash the same.



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For Petitioner : Mr.K.Selvakumar
For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader for R1
Mr.R.Gopinath
Standing counsel for RR2 & 3

ORDER

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

This Writ Petition has been filed challenging the proceedings of the 2nd respondent in Notice No. 1/ 2023 dated 07.09.2023.

2.It is averred in the affidavit of the Writ Petition that the petitioner constructed a building in his premises at Plot No.89-B, Pallava Garden, 3rd Avenue, Zamin Pallavaram, Chennai – 117, after obtaining approval and Planning Permission from the respondents. A notice dated 02.03.2023 was issued by the 2nd respondent informing the petitioner that an inspection would be carried out in his building premises on 09.03.2023. However, no inspection was carried out either on 09.03.2023 or on any other date.

3.The 2nd respondent issued a notice to the petitioner under Section 56(1) of the Town and Country Planning Act, stating that there were some



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minor deviations in the construction.

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4.The petitioner filed a revision before the 1st respondent under Section 80-A of the Town and Country Planning Act, 1971. Pending 80 – A revision, the 1st respondent issued the notice impugned in this Writ Petition.

5.Aggrieved against the said notice, the petitioner sent his reply dated 15.09.2023 to the official respondents, since no response by the respondents, the petitioner has filed the present Writ Petition.

6.The learned Additional Government Pleader appearing for the 1st respondent would submit that as against the lock and seal order, the petitioner has preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent and the same is pending. Therefore, he would submit that it would suffice if a direction is issued to the 1st respondent, to dispose of the appeal preferred by the petitioner, within a time frame to be stipulated by this Court.



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7.In view of the submissions made by the learned Additional

Government Pleader, this Court without expressing any opinion on the merits of the matter, directs the 1st respondent to pass orders on the appeal preferred by the petitioner, under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on merits and in accordance with law, 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.

8.With the above direction, the Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
17.10.2023

Index : Yes / No
Speaking Order : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

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and
N.MALA,J.

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