



W.P.No.30133 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.30133 of 2023
and W.M.P.Nos.29760 & 29761 of 2023

M.G.KUBENDRAN

... Petitioner

Vs.

1. THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
ST. GEORGE FORT
SECRETARIAT, CHENNAI 600 009

2. THE EXECUTIVE ENGINEER
ZONE - VI GREATER CHENNAI CORPORATION
NO 5 ANDERSON ROAD
AYANAVARAM, CHENNAI 600 023

3. THE ASSISTANT EXECUTIVE ENGINEER
ZONE VI UNIT 17 GREATER CHENNAI CORPORATION
NO 5 ANDERSON ROAD
AYANAVARAM CHENNAI 600 023

4. THE ASSISTANT ENGINEER
ZONE VI UNIT 17 DIVISION 076
GREATER CHENNAI CORPORATION
NO 5 ANDERSON ROAD AYANAVARAM
CHENNAI 600 023

... Respondents

Page No:1/6



W.P.No.30133 of 2023

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 to 4 from taking coercive steps pursuant to the De-occupation Notice in Letter No 06 / 00090 / 2023 dated 18.04.2023 till the disposal of Appeal dated 12.10.2023 by the 1st respondent.

For Petitioner : Mr.M.G.Ramachandran
For Respondents : Mrs.Mythreye Chandru
Special 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 2 to 4 from taking coercive steps, pursuant to the De-occupation Notice in Letter No 06 / 00090 / 2023 dated 18.04.2023, till the disposal of Appeal dated 12.10.2023 on the file of the 1st respondent.

2.It is the case of the petitioner that he purchased the vacant land to an extent of 343 sq.ft., comprised in Old R.S.No.2867/25 block No.44 at Purasaiwalkam Taluk, No.17/04, Venkattammal Samathi Street, Puraiwalkam,



W.P.No.30133 of 2023

Chennai – 600 007 from one R.Krishnamurthy, by way of sale deed dated 25.10.2021. In the above said property, he constructed a residential building consisting of ground floor + 3 floors. On the complaint of one Shailaja, the respondents issued a Pre-Notice dated 21.02.2023, directing the petitioner to submit the approved plan. On receipt of the above said notice, the petitioner approached the respondents in person and explained that the said building was built up without obtaining planning permission. Therefore, the respondents 2 to 4 issued the De-occupation notice dated 18.04.2023, consequent to the Locking & Sealing notice dated 11.03.2023.

3.The learned Special Government Pleader appearing for the 1st respondent would submit that as against the De-occupation notice dated 18.04.2023, the petitioner has preferred an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (in short 'the Act'), before the 1st respondent and the same is pending. Therefore, she 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.



W.P.No.30133 of 2023

4. In view of the submissions made by the learned Special Government Pleader, this Court without expressing any opinion on the merits of the matter, this Court directs the 1st respondent to pass orders on the appeal preferred by the petitioner, under Section 80-A of the 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 to take any coercive steps.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petitions are 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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W.P.No.30133 of 2023

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W.P.No.30133 of 2023

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Page No:6/6