



W.P.No.30597 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM

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

W.P.No.30597 of 2023
and
W.M.P.No.30241 of 2023

Sabari Rajan

.... Petitioner

VS

1. The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Secretariat,
Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
3. The Executive Engineer, Zone IX,
Corporation of Chennai,
Lake Area, 4th Cross Street,
Nungambakkam,
Chennai-600 034



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4. The Assistant Executive Engineer,
Zone IX,
Corporation of Chennai,
Lake Area, 4th Cross Street,
Nungambakkam,
Chennai-600 034.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 2nd to 4th respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in New No.29, Part C, Old No.29, 2nd Floor, Kallukaran Street, Mylapore, Chennai - 600 004, till the disposal of the petitioner's appeal petition submitted under section 80-A of the Tamil Nadu town and Country Planning to the 1st respondent.

For Petitioner : Mr.Samuel Gunasingh

For Respondents : Mr.T.Sampath Kumar,
Government Advocate for R1
Mr.E.C.Ramesh,
Standing Counsel for R2 to R4

ORDER

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

Mr.T.Sampath Kumar, learned Government Advocate takes notice for the 1st respondent. Mr.E.C.Ramesh, learned Standing Counsel takes notice for the 2nd to 4th respondents. By consent of both parties, the main writ



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petition is taken up for disposal at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus forbearing the 2nd to 4th respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in New No.29, Part C, Old No.29, 2nd Floor, Kallukaran Street, Mylapore, Chennai - 600 004, till the disposal of the petitioner's appeal petition submitted under section 80-A of the Tamil Nadu town and Country Planning to the 1st respondent.

3. Learned counsel for the petitioner would state that the petitioner derived valid title to the aforesaid property under registered sale deed. The petitioner is in absolute possession and enjoyment of the property. He had obtained Planning permission on 22.04.2022 for construction of residential building. The petitioner had built a building in compliance with law, however, there are minor deviations of the approved planning permission and the same is rectifiable. The respondent has issued lock and seal notice dated 10.08.2023. Aggrieved over the same, the petitioner preferred an appeal under Section 80-A of Tamil Nadu Town and Country Planning Act along with stay petition before the 1st respondent on 10.10.2023 and the



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same is pending. During the pendency of the appeal, the respondents are taking coercive steps for demolition of the building.

4. Considering the above submission made by the learned counsel for the petitioner, without expressing any view on the merits of the claim made by the petitioner, the 1st respondent is directed to consider the appeal filed by the petitioner dated 10.10.2023 and pass orders on the same 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 action as against the subject property in issue. No costs. consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
20.10.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

To

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



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2. The Commissioner,
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J.NISHA BANU,J.
and
N.MALA,J.

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