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W.P.No.31424 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

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

W.P.No.31424 of 2023
and W.M.P.Nos.31044 & 31045 of 2023

1. MAHAVIR RAJ CHAUDHARI
2. MUKESH KUMAR CHAUDHARI ... Petitioners

Vs.

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

2. THE COMMISSIONER
GREATER CHENNAI CORPORATION, RIPON BUILDING, CHENNAI 79

3. THE EXECUTIVE ENGINEER
ZONE V , GREATER CHENNAI CORPORATION, NO. 61 BASIN
BRIDGE ROAD, CHENNAI 21

4. THE ASSISTANT EXECUTIVE ENGINEER
UNIT 14, DIVISION 58 , ZONE V , CORPORATION OF CHENNAI,
ROYAPURAM CHENNAI ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a
Writ of Mandamus, to direct the directing the respondents 2 to 4 to forbear

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them from in any way interfering with the petitioners building in No. 219 (147) Sydenhams Road, Choolai, Chennai -600 003 particularly by way of locking, sealing and demolition in pursuance of the 07.09.2023 in Notice No. 58 /076/ 2023 during the pendency of petitioners appeal dated 13.09.2023 on the file of the 1st respondent.

For Petitioners : Mr.A.Maheshnath
For Respondents : Mr.S.Balamurugan
Government Advocate 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 for issuance of Writ of Mandamus, to direct the respondents 2 to 4 to forbear them from in any way interfering with the petitioners building in No. 219 (147) Sydenhams Road, Choolai, Chennai -600 003 particularly by way of locking, sealing and demolition in pursuance of the 07.09.2023 in Notice No. 58 /076/ 2023 during the pendency of petitioners appeal dated 13.09.2023 on the file of the 1st respondent.

2.It is averred in the affidavit of the Writ Petition that the petitioners are the joint owners of the land and building at No.219 (147), Sydenhams



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Road, Choolai, Chennai – 600 003. The building existing today was constructed by the petitioners predecessor's predecessor in title and more than 50 years old.

3. On 31.05.2023, the petitioners were issued with the notice, calling upon them to produce the approved plan for the superstructure. Pursuant to the notice dated 31.05.2023, Lock and Seal notice dated 30.06.2032 has been issued to the petitioners, followed by a De-occupation notice dated 07.09.2023.

4. Aggrieved against the above said notices, petitioners have preferred an appeal under Section 80 A of the Tamil Nadu Town and Country Plan Act, 1971 (in short 'the Act') before the 1st respondent and the same is pending.

5. The learned Government Advocate appearing for the 1st respondent would submit that as against the lock and seal notice, the petitioners have preferred an appeal under Section 80-A of the Act, before the 1st respondent and the same is pending. Therefore, he would submit that it would suffice if a



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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.

6.In view of the submissions made by the learned Government Advocate, 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 petitioners, under Section 80-A of the Act, 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.

7.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.)
02.11.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
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Note:Registry is directed to issue certified copy of this order

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after the requisite Court Fee is paid for each of the petitioner.

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To

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

2. THE COMMISSIONER
GREATER CHENNAI CORPORATION, RIPON BUILDING, CHENNAI 79

3. THE EXECUTIVE ENGINEER
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UNIT 14, DIVISION 58 , ZONE V , CORPORATION OF CHENNAI,
ROYAPURAM CHENNAI

J.NISHA BANU,J.



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and
N.MALA,J.

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