



WEB COPY



W.P.No.32089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

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

**W.P.No.32089 of 2023
and W.M.P.No.31666 of 2023**

V.Kanniyappan

..Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 600 009

2. Greater Chennai Corporation,
Rep. By its Commissioner,
Rippon Building, Chennai 600 003

3. Greater Chennai Corporation,
Rep. By its Executive Engineer,
Zone 1, 945A, Thiruvottiyur High Road,
Sathyamoorthy Nagar,
Rajakadai, Thiruvottiyur, Chennai 600 019

..Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, forbearing the 2nd and 3rd respondents from in anyway interfering with the building at Old No.87, New No.53, Thiagarayapuram 6th Street, 1st Lane, Thiagarayapuram, Thiruvottiyur, Chennai 600 019 particularly by way of locking and sealing and or demolition of the same pending final determination of the Special Revision Petition dated 03.11.2023 under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 by the first respondent.

For Petitioner : Mr.D.S.Rajasekaran

For R-1 : Mrs.R.L.Karthika, Govt. Advocate

For RR 2 & 3 : Mr.D.B.R.Prabu, Standing Counsel

ORDER

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

This writ petition is filed praying for issuance of Writ of Mandamus to forbear the 2nd and 3rd respondents from in anyway interfering with the building at Old No.87, New No.53, Thiagarayapuram 6th Street, 1st Lane, Thiagarayapuram, Thiruvottiyur, Chennai 600 019, particularly by way of locking and sealing and or demolition of the same, pending final determination of the Special Revision Petition dated 03.11.2023 under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 by the first respondent.



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2. It is averred in the writ petition that the petitioner is the absolute owner of the aforesaid land and the petitioner is in possession of the subject property for more than 67 years. All of a sudden, the third respondent/ Corporation had issued lock and seal & demolition notice dated 30.06.2023.

3. According to the learned counsel for the petitioner, the petitioner had already filed a writ petition in W.P.No.22556 of 2023 to forbear the respondent Corporation from taking any action against the petitioner, wherein this Court has dismissed the same by granting liberty to the petitioner to approach the first respondent / Government by way of filing a Special Revision Petition under Section 80(A) of the Town Country Planning Act and had also directed the Corporation to defer action for a limited time by order, dated 31.10.2023.

4. In continuance of the same, the petitioner had filed a Special Revision Petition under Section 80(A) of the said Act and also sought for a stay under 80(A)(3) of the same from the first respondent vide the Special Revision Petition, dated 03.11.2023 and the same is pending which is not disputed by the respondents. Further, it is seen that the third respondent had issued a de-occupation notice, dated 16.09.2023 which was served upon the petitioner on 30.09.2023.



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Hence, the present writ petition has been filed by the petitioner seeking for the aforesaid relief.

5. The main contention of the petitioner is that the special revision petition is pending and the prayer for interim order of stay has also not been considered and hence he apprehends that coercive steps will be taken against the petitioner.

6. Since the Special Revision Petition under Section 80(A) of the Act is pending, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent to dispose of the special revision petition dated 21.08.2023 filed by the petitioner under Section 80(A) of the Town and Country Planning Act, within a period of eight(08) weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive steps against the building in question. Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition stands closed.

(J.N.B., J.) (N.M.,J.)
08.11.2023



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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

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To:

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003
3. The Executive Engineer,
Greater Chennai Corporation,
Zone 1, 945A, Thiruvottiyur High Road,
Sathyamoorthy Nagar,
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J.NISHA BANU, J.,

and

N.MALA, J.,

sts

Order made in
W.P.No.32089 of 2023

Dated:

08.11.2023