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W.P.Nos.34919 to 34935 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 02.01.2023

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**  
and

**THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

W.P.Nos.34919 to 34935 of 2022

and

W.M.P.Nos.34351 to 34366 & 34368 of 2022

**W.P.No.34919 of 2022**

V.Harihara

.. Petitioner

Vs.

1.Principal Secretary  
Government of Tamil Nadu  
Housing and Urban Development Department  
Secretariat, St.George Fort  
Chennai-600 009.

2.Additional Secretary (Technical)  
Housing and Urban Development Department  
Secretariat, St.George Fort  
Chennai-600 009.

3.Executive Engineer  
Zone VI, Greater Corporation of Chennai  
Strahans Road, Pattalam  
Chennai-600 012.

4.Assistant Executive Engineer  
Unit 16, Greater Corporation of Chennai  
Strahans Road, Pattalam, Chennai-600 012.



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5.Assistant Engineer

Division 067, Greater Corporation of Chennai  
Strahans Road, Pattalam, Chennai-600 012.

.. Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondents 3 to 5 from anyway interfering with the petitioner's premises bearing Flat CS3, C Block, Royal Palace, Old Nos.20 and 21, New No.47, Sabapathy Street, Sembiam, Chennai 600 011 pending final determination of the petitioner's revision petition and stay petition dated 19.12.2022 with the 1<sup>st</sup> respondent.

**In all the W.Ps.**

For Petitioner : Mr.S.Shujath

For R1 & R2 : Mr.A.Selvendran  
Special Govt. Pleader

For R3 to R5 : Mr.D.B.R.Prabhu  
Standing Counsel

**COMMON ORDER**

(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petitions are filed forbearing the respondents 3 to 5 from anyway interfering with the petitioners' premises bearing Flat CS3, C



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Block, Flat BF2, B Block, Flat BS2, B Block, Flat CF1, C Block, Flat AF1, A Block, Flat BF2, B Block, Flat CF2, C Block, Flat AS2, A Block, Flat AS3, A Block, Flat AF3, A Block, Flat CS2, C Block, Flat BS1, B Block, Flat CS1, C Block, Flat BS3, B Block, Flat CF3, C Block, Flat AF2, A Block, Flat AS1, A Block, Royal Palace, Old Nos.20 and 21, New No.47, Sabapathy Street, Sembiam, Chennai 600 011 pending final determination of the petitioners' revision petitions and stay petitions dated 19.12.2022 with the 1<sup>st</sup> respondent.

2.By consent of the learned counsel appearing for the petitioners as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 & 2 and Mr.D.B.R.Prabhu, learned Standing Counsel, who takes notice for the respondents 3 to 5, the Writ Petitions are taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for the respondents 1 & 2 and learned Standing Counsel appearing for the respondents 3 to 5 and perused the materials available on record.



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4. According to the petitioners, they are owners of Flat CS3, C Block, Flat BF2, B Block, Flat BS2, B Block, Flat CF1, C Block, Flat AF1, A Block, Flat BF2, B Block, Flat CF2, C Block, Flat AS2, A Block, Flat AS3, A Block, Flat AF3, A Block, Flat CS2, C Block, Flat BS1, B Block, Flat CS1, C Block, Flat BS3, B Block, Flat CF3, C Block, Flat AF2, A Block, Flat AS1, A Block, Royal Palace, Old Nos.20 and 21, New No.47, Sabapathy Street, Sembiam, Chennai 600 011, built by M/s.Royal Builders and Promoters. Believing the representation of the builder that the building is approved by CMDA, the petitioners have purchased the above flats by borrowing loan from the Bank. The properties were assessed for property tax and all the petitioners were paying the property tax regularly to the Corporation of Chennai. The petitioners also provided E.B. connection, water and drainage facilities. While so, the petitioners received lock and seal and de-occupation notices dated 05.09.2022, 18.10.2022 and 15.12.2022. When the petitioners approached the respondents 3 to 5, they were informed that there are some deviations in the construction. On 15.12.2022, the respondents 3 to 5 came to the petitioner's properties and directed them to vacate the flats within one week, failing which, they will put lock and seal the properties. In such circumstances, the petitioners and other occupants approached the

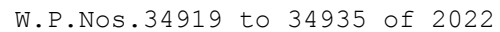


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Corporation of Chennai Officials and filed revision petitions along with petitions before the 1<sup>st</sup> respondent under Section 80-A read with Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 for stay of the lock and seal and de-occupation notices. When the petitioners insisted for stay petitions being taken up for hearing, the petitioners were informed by the 1<sup>st</sup> respondent that their stay petitions will be taken up only as per the seniority. The respondents 3 to 5 have given only one week time to the petitioners to vacate the premises and hence, the petitioners have come out with the present writ petitions.

5.Mr.A.Selvendran, the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioners' revisions will be taken up along with the stay petitions and will be disposed of within the time limit fixed by this Court.

6.The petitioners have produced the copy of the revisions filed before the 1<sup>st</sup> respondent and also the petitions for stay of the notices of the 3<sup>rd</sup> respondent. According to the petitioners, the 1<sup>st</sup> respondent informed them that their stay petitions will be taken up only as per the seniority. In view of the same, the 1<sup>st</sup> respondent is directed to dispose of



7. With the above directions, all the writ petitions are disposed of.

(V.M.V., J) (R.H., J)  
02.01.2023

**Note: Issue order copy on 03.01.2023**

2.Additional Secretary (Technical)  
Housing and Urban Development Department  
Secretariat, St.George Fort  
Chennai-600 009.



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**V.M.VELUMANI,J.  
and  
R.HEMALATHA,J.**

Kj

3.Executive Engineer  
Zone VI, Greater Corporation of Chennai  
Strahans Road, Pattalam  
Chennai-600 012.

4.Assistant Executive Engineer  
Unit 16, Greater Corporation of Chennai  
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