



WEB COPY



W.P.No.33189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

AND

THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.33189 of 2023
and WMP.No.32890 of 2023

Punitha

... Petitioner

-VS-

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

2.Greater Chennai Corporation
Rep. By its Commissioner
Ripon Building
Chennai-600 003

3.The Executive Engineer
Greater Chennai Corporation
Zone 06, Division 73
No.83, New Ferrance Road
Pattalam, Chennai-600 012

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus forbearing the 2nd and 3rd respondents from in



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anyway interfering with the petitioner's building put up at 61B, Ammayammal Street, Pulianthope, Chennai-600 012 particularly by way of locking, sealing and demolition of the same, pending final determination of the petitioner's special revision petition and the stay petition under Section 80(a) & 80(a)(3) of the Tamil Nadu Town and Country Planning Act, 1971 dated 26.07.2023 with the 1st respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mrs.R.L.Karthika, Govt. Adv. for R1
Mr.D.B.R.Prabhu, Standing counsel
for R2 and R3.

ORDER

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

This writ petition is filed praying to forbear the 2nd and 3rd respondents from locking, sealing and demolition of the petitioner's premises, until the disposal of the petitioner's special revision petition and the stay petition under Section 80(a) & 80(a)(3) of the Tamil Nadu Town and Country Planning Act, 1971 dated 26.07.2023 filed before the 1st respondent.

2. The petitioner has averred in the writ petition that she is residing in the



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subject property on the virtue of settlement deed executed by her father in the year 2018 and since the said plot was originally allotted by the Tamil Nadu Slum Clearance Board, she is exempted from obtaining individual building plan approval and further she is residing in the old building.

3. It is further averred by the petitioner that on her complaint in respect of encroachment of approach road by a neighbour, as retaliation, the 3rd respondent issued lock and seal and demolition notice dated 20.07.2023. When the said notice was challenged before the 1st respondent by filing Special Revision Petition under Section 80(A) on 26.07.2023, without considering the same, the 3rd respondent affixed deoccupation notice dated 10.11.2023 on the petitioner's premises. Hence, the present writ petition is filed by the petitioner seeking to forbear the respondents from locking, sealing and demolition of her premises, until the disposal of the special revision filed before the 1st respondent.

4. The contention of the learned counsel for the petitioner is that the special revision petition and the stay petition filed by the petitioner is pending before the 1st respondent and since the stay petition has also not been considered, the petitioner apprehends that coercive steps may be taken against



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5. The learned Government Advocate appearing for the 1st respondent submitted that a time limit may be fixed by this court for considering and passing necessary orders on the petitioner's revision petition.

6. Heard the learned counsel appearing for the parties and perused the entire materials on record.

7. Considering the above submissions made by the learned counsel appearing for the parties and the fact that the revision filed by the petitioner is pending, the 1st respondent is directed to dispose of the revision petition dated 26.07.2023 filed by the petitioner, after giving opportunity to the petitioner, within eight weeks from the date of receipt of a copy of this order. Till such time, the respondents 2 and 3 are restrained from taking any coercive steps against the petitioner.

8. With the above directions, the Writ Petition is disposed of.



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Consequently, the connected Miscellaneous Petition is closed. No costs.

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

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Index:Yes/No

Speaking/Non-speaking order

nvsri

To

1. The Secretary to Government
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Chennai-600 003
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