



WEB COPY



W.P.No. 34693 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

**W.P.No. 34693 of 2023
and W.M.P.No. 34656 of 2023**

K. Sripriya

..Petitioner

Vs.

1. Government of Tamil Nadu
Rep. By its Secretary to Government
Housing & Urban Development Department
Fort St. George
Chennai-600009

2. The Greater Chennai Corporation
Rep by its Commissioner
Ripon Building
Chennai-600003

3. The Greater Chennai Corporation
Rep by its Executive Engineer
Zone IX, No.1 Lake Area 4th Cross Street
Nungambakkam
Chennai-600034

..Respondents

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

Page No:1/6



W.P.No. 34693 of 2023

anyway interfering with the petitioner's property situated at 57, 57A Sivan Koil South Street, Kodambakkam, Chennai 600024 in any manner particularly by way of locking and sealing or demolition of the same pending final determination of the petitioner's Special Revision Petition under Sec.80A of the Town and Country Planning Act dated 06.12.2023 with the 1st respondent.

For Petitioner : Mrs.DR.Balanayaki

For Respondents : Mrs. Mythreyechandru for R1
Special Government Pleader
Mr. D.B.R.Prabhu for R2 & R3
Standing Counsel

ORDER

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

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this Writ Petition is to forbear the 2nd and 3rd respondents herein from in anyway interfering with the petitioner's property situated at 57, 57A Sivan Koil South Street, Kodambakkam Chennai 600024, in any manner, particularly by way of locking and sealing or



W.P.No. 34693 of 2023

demolition of the same pending final determination of the Special Revision Petition dated 06.12.2023 under Sec.80A of the Town and Country Planning Act, 1971 by the 1st respondent.

3. It is averred in the writ petition that the petitioner is the occupier/tenant of the ground floor in the subject premises situated at 57, 57A, Sivan Koil South Street, Kodambakkam Chennai- 600024 and she is residing with her family consisting of old aged parents and children. While being so, all of a sudden, the 3rd respondent had issued de-occupation notice vide Notice No. Z.0-1/1X/ENF/DN112//2021 dated 23.09.2022, addressed to their owner and affixed the same on the petitioner's premises, calling upon her to vacate the premises, within a period of 15 days, failing which, they will forcibly lock and seal the premises. Aggrieved by 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 Section 80(A)(3) dated 06.12.2023. However, no action has been taken till date. Hence, the present writ petition.



W.P.No. 34693 of 2023

WEB COPY

4. 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.

5. Since the Special Revision Petition under Section 80(A) of the Town and Country Planning Act is pending, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to dispose of the special revision petition dated 06.12.2023 filed by the petitioner under Section 80(A) of the Town and Country Planning Act, within a period of eight (8) 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.



W.P.No. 34693 of 2023

6. 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.)
13.12.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
msv

To

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Page No:5/6



WEB COPY



W.P.No. 34693 of 2023

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