



WEB COPY



W.P.No. 34866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

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

W.P.No. 34866 of 2023
and W.M.P.No. 34860 of 2023

Gopakumar

..Petitioner

Vs.

1. The Secretary to Government
Housing and Urban Development Department
St. George Fort, Secretariat,
Chennai-600009

2. Executive Engineer, Zone-X
Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam, Chennai-600024

3. Assistant Executive Engineer
Zone-X, Unit-28,
Greater Chennai corporation
No.117, N.S.K. Salai
Kodambakkam, Chennai-600024

Page No:1/7



W.P.No. 34866 of 2023

4. Assistant Engineer, Division 138
Unit-28, Zone-X,
Greater Chennai Corporation
No.117, N.S.K. Salai
Kodambakkam, Chennai-600024

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to consider and pass orders in the Special Revision Petition/Appeal dated 02.12.2023 filed by the petitioner under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 challenging the De-Occupation Notice dated 13.06.2023 in respect of premises bearing No.37, Bharathidasan Street, Jaffer Khanpet, Chennai-600083 within a time period to be fixed by this Hon'ble Court and consequently forbearing the respondents 2 to 4 from taking coercive steps pursuant to the De-Occupation Notice dated 13.06.2023 till disposal of the special revision petition/Appeal dated 02.12.2023 by the 1st respondent.

For Petitioner : Mr.C.Ravichandran

For Respondents : Mrs. Stalin Abhimanyu for R1
Additional Government Pleader
Mrs. Ramadevi for R2 to R4
Standing Counsel

ORDER

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

This Writ Petition has been filed to direct the 1st respondent to consider and pass orders in the Special Revision Petition/Appeal dated



W.P.No. 34866 of 2023

02.12.2023 filed by the petitioner under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 challenging the De-Occupation Notice dated 13.06.2023 in respect of premises bearing No.37, Bharathidasan street, Jafferkhanpet, Chennai-600083 within a time period to be fixed by this Hon'ble Court and consequently forbearing the respondents 2 to 4 from taking coercive steps pursuant to the De-Occupation Notice dated 13.06.2023 till disposal of the Special Revision Petition/Appeal dated 02.12.2023 by the 1st respondent.

2. It is averred in the writ petition that the petitioner purchased the land and building situated at No.37, Bharathidasan Street, Jafferkhanpet, Chennai-600083, through a registered sale deed dated 05.05.2005, vide Doc.No.200/2005 on the file of SRO, Ashok Nagar and he is paying all the charges and taxes to the competent authorities without any default.

3. The petitioner decided to demolish and reconstruct the existing building and therefore, he had obtained a demolition and reconstruction plan dated 13.06.2005 and thereafter, he started his construction work. The petitioner applied for planning permission for the existing building from the respondents 2 to 4 herein and after scrutinizing all



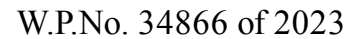
W.P.No. 34866 of 2023

necessary documents, the respondents 2 to 4 had issued planning permission dated 15.04.2021 for demolition and reconstruction of the building.

4. In the meantime, the respondents 2 to 4 had issued a Notice calling for approved plan under Section 56(1) and 57 read with Section 85 of Tamil Nadu Town Country Planning Act, 1971 dated 15.07.2022. On receipt of the above notice, the petitioner appeared in person before the competent authorities and explained that the building is about 20 years old and furnished the copy of permission for demolition and reconstruction.

5. Suddenly, on 13.06.2023, the respondents 2 to 4 herein have issued a De-Occupation Notice under Section 56 sub section 2 (A)&57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971. Aggrieved by the same, the petitioner had filed a Special Revision Petition under Section 80(A) of the said Act dated 02.12.2023. However, no action has been taken till date. Hence, the present writ petition.

6. The main contention of the petitioner is that the special revision petition has not been considered and hence, he apprehends that coercive steps will be taken against the petitioner.



8. Accordingly, this Writ Petition is disposed of with the above
No costs. Consequently, connected miscellaneous petition stands

Page No:5/7



W.P.No. 34866 of 2023

To
WEB COPY

1. The Secretary to Government
Housing and Urban Development Department
St. George Fort, Secretariat,
Chennai-600009

2. Executive Engineer, Zone-X
Greater Chennai Corporation
No.117, N.S.K.Salai
Kodambakkam, Chennai-600024

3. Assistant Executive Engineer
Zone-X, Unit-28,
Greater Chennai corporation
No.117, N.S.K. Salai
Kodambakkam, Chennai-600024

4. Assistant Engineer, Division 138
Unit-28, Zone-X,
Greater Chennai Corporation
No.117, N.S.K. Salai
Kodambakkam, Chennai-600024



WEB COPY



W.P.No. 34866 of 2023

J.NISHA BANU,J.

And

N.Mala,J.

msv

W.P.No. 34866 of 2023

and

W.M.P.No. 34860 of 2023

14.12.2023