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W.M.P.No.554 of 2024
in
W.P.No.34607 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.M.P.No.554 of 2024 in
W.P.No.34607 of 2023**

Junaaid Rafiudin

... Petitioner

-Vs-

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

3. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Park Town,
Chennai – 600 003.

4. The Zonal Officer,
Greater Chennai Corporation,
Zone – IX, No.1, Lake Area,
4th Cross Street, Nungambakkam,
Chennai – 600 034.

... Respondents



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PRAYER : Petition filed under Article 226 of Constitution of India, to direct the second respondent to remove the seal in 9th Floor at Old Nos.12 and 13, New No.29, Kodambakkam High Road, Nungambakkam, Chennai - 600 034 pending disposal of 80-A appeal before the first respondent.

For Petitioner : Mr.M.K.Bhoopathy Rajan
For Respondents : Mr.K.Suresh
Government Advocate for R1
No appearance for R2
Mr.D.B.R.Prabhu
Standing Counsel for R3 & R4

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This petition has been filed seeking a prayer of an interim direction directing the second respondent to remove the seal in 9th Floor at Old Nos.12 and 13, New No.29, Kodambakkam High Road, Nungambakkam, Chennai - 600 034 pending disposal of 80-A appeal before the first respondent.

2. The main writ petition, i.e., W.P.No.34607 of 2023 had been filed with a prayer of writ of certiorarified mandamus to call for the records of the order passed by the second respondent dated 20.10.2023 and to quash the same and



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consequently, direct the second respondent to remove the seal in 9th Floor of the building concerned.

3. The said writ petition was decided and disposed on 19.12.2023, whereby we have given a direction to the State Government to decide the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, after giving an opportunity of being heard to the petitioner within a period of six weeks from the date of receipt of a copy of that order. It was further directed that, till such time, no further coercive steps should be taken pursuant to the impugned notice issued by the second respondent dated 20.10.2023.

4. Therefore, as per the time bound order passed by this Court disposing the writ petition, it is for the State Government to decide Section 80-A appeal of the petitioner.

5. If at all the appeal has not been decided and if it is kept pending, the remedy open to the petitioner is elsewhere.



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6. The petitioner, therefore, cannot file a miscellaneous petition like the present one seeking to remove the seal in 9th Floor of the building concerned which in fact had been asked for as a consequential prayer in the main writ petition which was disposed by order dated 19.12.2023.

7. Therefore, the present miscellaneous petition is not maintainable and cannot be entertained for the aforestated reasons.

8. Accordingly, this Miscellaneous Petition is dismissed.

(R.S.K., J.) (G.A.M., J.)
29.02.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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