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W.P.No.1644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.1644 of 2024

and

W.M.P.No.1681 of 2024

N.Padmanabhan

Vs.

... Petitioner

1.Government of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.Greater Chennai Corporation,
Represented by its Executive Engineer,
Zone-XII,
No.25C8+9V4 W Main Road,
Dhanam Nagar, Kumudam Nagar,
Mugalivakkam, Chennai – 125.

... Respondents



W.P.No.1644 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 2nd respondent from in anyway interfering with the building put up at Door No.12/6, Achuthan Nagar 1st Street, Ekkatuthangal, Chennai – 600 032, particularly by way of locking and sealing and or demolition of the same, pending final determination of petitioner's special revision petition under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 dated 19.01.2024 with the 1st respondent/Government in accordance with law.

For Petitioner	:	Mr.D.S.Rajasekaran
For R1	:	Mrs.S.Anitha Special Government Pleader
For R2	:	Mr.Y.Bhuvanesh Kumar for CMDA
For R3	:	Mr.D.B.R.Prabhu Standing Counsel for Chennai Corporation

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus forbearing the 2nd respondent from in anyway interfering with the building put up at Door No.12/6, Achuthan Nagar 1st Street, Ekkatuthangal, Chennai



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– 600 032, particularly by way of locking and sealing and or demolition of the same, pending final determination of petitioner's special revision petition under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971, dated 19.01.2024, with the 1st respondent/Government, in accordance with law.

2.The petitioner, in the affidavit, has stated that he is the owner of the property in Door No.12/6, Achuthan Nagar 1st Street, Ekkatuthangal, Chennai – 600 032. It is further stated by the petitioner that he applied for building permission for office-cum-industrial building in the property owned by him. However, the same was rejected by the 2nd respondent and the petitioner states that he has filed an appeal under Section 79 of the Town and Country Planning Act, 1971, to regularise the building. Pursuant to the rejection of the planning approval by the 2nd respondent, notice was issued to lock and seal the premises. The petitioner states that he has filed a statutory revision before the 1st respondent. It is the case of the petitioner that the 2nd respondent removed the lock and seal pursuant to the petitioner applying for planning permission before the 3rd respondent. However, the 2nd respondent



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has once again issued a notice on 19.12.2023 to lock, seal and demolish the building. As against the same, the petitioner has preferred a statutory revision under Section 80(A) of the Town and Country Planning Act, 1971. The grievance of the petitioner is that, pending the revision, the respondents are making an attempt to enforce the order even before deciding the revision petition.

3.Learned counsel appearing for the respondents have no objection for issuing a direction to the 1st respondent to dispose of the statutory revision filed by the petitioner within a stipulated time and to maintain status *quo* till such time an order is passed by the 1st respondent in the revision petition filed by the petitioner.

4.Hence, this writ petition is disposed of with a direction to the 1st respondent to dispose of the statutory revision filed by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Till such time the final order is passed by the 1st respondent in the statutory revision filed by the petitioner on merits, the respondents are directed to



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maintain status *quo*. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
24.01.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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Chennai – 600 009.
- 2.The Member Secretary,
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