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W.P.No.2543 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2543 of 2024

and

W.M.P.No.2785 of 2024

S.Shanmuga Sundari

... Petitioner

Vs.

- 1.State of Tamil Nadu
represented by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.
- 2.Greater Corporation of Chennai,
represented by its Commissioner,
Rippon Buildings,
Chennai – 600 003.
- 3.The Executive Engineer,
Zone-11, Greater Chennai Corporation,
No.33, Arcot Road, Bhuvaneswari Nagar,
Valasarawakkam,
Chennai – 600 087.



W.P.No.2543 of 2024

4.The Assistant Executive Engineer,
Unit-32, Greater Chennai Corporation,
Poonamallee High Road, Maduravoyal,
Near Yerikkarai Bus Stop,
Chennai – 600 095.

5.The Assistant Engineer,
Division No.147, Greater Chennai Corporation,
Poonamallee High Road, Maduravoyal,
Near Yerikkarai Bus Stop,
Chennai – 600 095.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 2 to 5 and their men, agents and subordinates from in any manner taking any coercive action, including locking and sealing of the petitioner's house building and interfering with the petitioner's occupation of the building bearing Plot Nos.4A and 4B, measuring 487.5 Sq.ft., Door No.90/188, Perumal Koil Street, comprised in Survey No.424/1, Maduravoyal Madura Alapakkam Village, Ambattur Taluk, Tiruvallur District, pursuant to the Locking and Sealing and Demolition Notice vide Letter No.11/00155/2023 dt.16.12.2023 and De-occupation Notice vide Letter No.11/00055/2024 dated 23.01.2024 issued by the respondents 3 to 5 till the final disposal of the Revision Petition dt.20.12.2023 filed U/Sec,80-A of the Tamil Nadu Town and Country Planning Act, 1971 (Act 35 of 1972) pending on the file of 1st respondent.



W.P.No.2543 of 2024

For Petitioner : Mr.K.Premkumar
For R1 : Mr.R.Kumaravel
Additional Government Pleader
For R2 to R5 : Mr.D.B.R.Prabhu
Standing Counsel

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 respondents 2 to 5 from locking and sealing the petitioner's house building bearing Plot Nos.4A and 4B, measuring 487.5 Sq.ft., Door No.90/188, Perumal Koil Street, comprised in Survey No.424/1, Maduravoyal Madura Alapakkam Village, Ambattur Taluk, Tiruvallur District, pursuant to the Lock & Seal and Demolition Notice dated 16.12.2023 and De-occupation Notice dated 23.01.2024 issued by the respondents 3 to 5, till the final disposal of the Revision Petition dated 20.12.2023 filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, pending on the file of 1st respondent.



W.P.No.2543 of 2024

WEB COPY

2.The grievance of the petitioner is that, as against the Lock & Seal and Demolition Notice dated 16.12.2023, she has preferred a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. It is stated that the respondents have issued De-Occupation Notice when the appeal is pending along with an application for stay. Learned counsel for the petitioner requests this Court for disposal of the revision petition filed by the petitioner within a time stipulated by this Court and to direct the respondents to maintain status *quo* in the meanwhile.

3.Having regard to the limited scope of the prayer that is now sought before this Court by the learned counsel for the petitioner, without expressing any opinion on the merits of the revision petition filed by the petitioner or the contentions raised by the petitioner in the affidavit filed in support of the present writ petition, this Court directs the 1st respondent to dispose of the revision petition filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on merits and in accordance with law, after hearing the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time the



W.P.No.2543 of 2024

revision petition is disposed of on merits by the 1st respondent, the respondents 2 to 5 shall not take any coercive action against the petitioner pursuant to the orders impugned in this writ petition.

4. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
06.02.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

2. The Commissioner,
Greater Corporation of Chennai,
Rippon Buildings,
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S.S. SUNDAR, J.
and

Page 5 of 6



WEB COPY



W.P.No.2543 of 2024

N. SENTHILKUMAR, J.

mkn

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