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WP.No.3215/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.3215/2024

& WMP.No.3485/2024

Ms.Kasthuri

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep.by its Secretary
Housing and Urban Development Department
Fort St George, Chennai 600 009.
- 2.The Zonal Officer
Zone VIII, Division 103
Greater Chennai Corporation
Chennai 600 030.
- 3.The Executive Engineer
Zone VIII, Greater Chennai Corporation
No.36-B/12-B, Pulla Avenue
Shenoy Nagar, Chennai 600 030.



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4.The Assistant Executive Engineer
Unit 22, Old Division 100 New Division 103
No.36-B/12-B, Pulla Avenue
Shenoy Nagar, Chennai 600 030.

5.Dr.Geetha Devadas

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the respondents 2 to 4 not to take any enforcement action in view of the notice of De-occupation dated 01.02.2024 in Letter No.Z.O.C.No.118/2024 as against the petitioner premises situated at Plot No.4575-B, Door No.Y-225, 6th Main Road, Anna Nagar, Chennai 600 040 pending consideration of the 80-A Appeal filed under Section 80-A of the Town and Country Planning Act, 1971 on the file of the 1st respondent.

For Petitioner	: Mr.V.C.Selvasekaran
For R1	: Mrs.V.Yamuna Devi, Spl.GP
For RR 2 to 4	: Mr.D.B.R.Prabhu, Standing counsel

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)Mrs.V.Yamuna Devi, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.D.B.R.Prabhu, learned Standing counsel accepts notice on behalf of respondents 2 to 4.

(2)The present writ petition has been filed by the petitioner seeking for a mandamus to direct the respondents 2 to 4, not to take any enforcement



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action in view of the notice of De-occupation dated 01.02.2024 in Letter No.Z.O.C.No.118/2024 as against the petitioner premises situated at Plot No.4575-B, Door No.Y-225, 6th Main Road, Anna Nagar, Chennai 600 040 pending consideration of the 80-A Appeal filed under Section 80-A of the Town and Country Planning Act, 1971 on the file of the 1st respondent.

(3) Brief facts that are necessary for the disposal of this writ petition are as follows:-

(4) The petitioner states that she is the owner of Plot bearing No.4575-B, Door No.Y-225, at 6th Main Road, Anna Nagar, Chennai-600 040 measuring to an extent of 1010 sq.ft.

(5) The petitioner appears to have purchased the property by a registered Sale Deed bearing Doc.No.632/2023 dated 03.02.2023. While so, the respondents/Corporation issued a Notice under Section 3 of the Tamil Nadu Town and Country Planning [Removal of Unauthorised Development] Rules, 2022 dated 28.12.2023. The private respondent, namely, the 5th respondent, who is the neighbour, appear to have filed WP.No.296/2024 for a direction to the official respondents therein to



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initiate action for removal of the unauthorised construction put up by the petitioner herein. Thereafter, the respondents/Corporation issued a show cause notice dated 01.02.2024 to the petitioner herein regarding de-occupation of the premises.

(6)The case of the petitioner is that the petitioner has preferred a statutory revision under Section 80-A of the Town and Country Planning Act, 1971 and that the respondents / Corporation may be directed not to initiate any coercive action till such time, the statutory revision filed by the petitioner, is disposed of on merits by the 1st respondent.

(7)This Court heard the learned Special Government Pleader appearing for the 1st respondent and the learned Standing counsel appearing for the respondents 2 to 4 and also perused the materials placed.

(8)In the facts and circumstances of the case, this Court is inclined to dispose of the writ petition with the following direction:-

"The 1st respondent, before whom the revision petition filed under Section 80-A of the Town and Country Planning Act, 1971, dated 02.02.2024 stated to have been filed by the petitioner is pending, is directed to consider and dispose of the statutory revision dated



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02.02.2024 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Till such time the revision petition is disposed of by the 1st respondent on merits, as directed by this Court, respondents 2 to 4 are directed to maintain staus quo."

(9)The writ petition stands **disposed of accordingly.** No costs.

Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
12.02.2024

AP

Internet : Yes

Neutral Citation: Yes/No



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To

- 1.The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Fort St George, Chennai 600 009.
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Greater Chennai Corporation
Chennai 600 030.
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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

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