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W.P.No. 3069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

And

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No. 3069 of 2024

and

WMP.Nos. 3352 & 3353 of 2024

- 1.Laxman Singh
- 2.Arvind Singh
- 3.Dashrath Singh
- 4.Sukhdev Singh
- 5.S.Meenakshi
- 6.Surendra Singh
- 7.Vinod Singh
- 8.Vimala
- 9.Radhika
- 10.Dr.Estherrani
- 11.Muthu Mayandi
- 12.Dr.Rajalakshmi
- 13.R.G.Ragadeeswar
- 14.Raju Choudhary
- 15.J.B. Rubini

...Petitioners



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Versus

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Secretariat, Chennai - 600 009.

2. The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai - 600 003.

3. The Assistant Engineer
Greater Chennai Corporation
Division 037
No.33, 4th Cross Street, MKB Nagar
Vyasarpadi, Chennai - 600 039.

4. The Executive Engineer
Greater Chennai Corporation
Zone-4,
No. 266, Thiruvotriyur High Road
Tondiarpet, Chennai-600 024.

... Respondents

5. The Assistant Executive Engineer
Greater Chennai Corporation
Unit 09
No.33, 4th Cross Street, MKB Nagar
Vyasarpadi, Chennai - 600 039.



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to dispose the appeal filed by the petitioner, dated 21.06.2023 in a time bound manner and forbear the respondents from taking any coercive action against the petitioner's building located at Door No. 1, Central Avenue Road, Vysarpadi, Chennai - 600 039 pending disposal of the appeal dated 21.06.2023 filed by the petitioner pending on the file of the 1st respondent.

For Petitioner : Mr. Muthuchcharan Sundresh
For R 1 : Mr. R. Kumaravel
Additional Government Pleader

For RR 2 to 5 : Mr.D.B.R.l Prabhu
Senior Counsel

ORDER

This writ petition is filed for issuance of Writ of Mandamus directing the first respondent to dispose of the appeal filed by the petitioner, dated



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21.06.2023 within time and to forbear the respondents from taking any
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coercive action against the petitioners' building till such time, the appeal pending before the first respondent is disposed of on merits.

2. The facts are not in dispute. The petitioners' appeal is directed against the order for lock & seal and demolition of the building put up by the petitioner in terms of Sections 56 and 57 of the Town and Country Planning Act, 1971. Since the statutory revision filed by the petitioner before the first respondent under Section 80-A of the Town and Country Planning Act, 1971, is pending, any coercive action shall be only after the disposal of the statutory revision which is the only remedy available to the petitioner.

3. In the said circumstances, this Court is inclined to pass the following order:-

(a) The first respondent is directed to consider and dispose of the statutory revision filed by the petitioners



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under Section 80-A of the Town and Country Planning Act, 1971, within a period of 12 weeks from the date of receipt of a copy of this order.

(b) Till such time, the appeal filed by the petitioners is disposed on merits in accordance with law, the Respondents shall not take any coercive steps against the building put up by the petitioners. In other words, the respondents are directed to maintain *status quo*.

4. With the above directions, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R., J] [N.S., J]
08.02.2024

MSM

Index : Yes/No

Internet : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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To

1. The Additional Secretary (Technical)
Housing and Urban Development Department,
Secretariat, Chennai - 9.
2. The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu, Secretariat, Chennai - 9.
3. The Commissioner
Corporation of Greater Chennai,
Rippon Building, Chennai - 600 003.
4. The Executive Engineer, Zone-15
Greater Chennai Corporation
No. 120, Rajiv Gandhi Salai (Old Mahabalipuram Road)
Sholinganallur, Chennai - 600 119.



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S.S.SUNDAR, J
And
N. SENTHILKUMAR, J

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