



W.P.No.3293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.3293 of 2024

and

W.M.P.No.3549 of 2024

H.Inayath Nisha

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Additional Secretary (Technical)
Housing and Urban Development Department,
Secretariat,
Fort St. George, Chennai – 600 009.
3. The Member Secretary,
Tamil Nadu Town and Country Planning,
Madras.



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4.The Executive Engineer,
Zone VI- Greater Chennai Corporation,
158, Strahans Road,
Pattalam, Purasaiwalkam,
Chennai – 600 012.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent not to enforce the lock and seal notice issued under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, at Door No.70, Secretariat Colony, 8th Street, Kilpauk, Chennai 10, pending disposal of the appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act on the file of the 1st respondent.

For Petitioner	:	Ms.K.Abirahme for Mrs.V.Srimathi
For R1 and R2	:	Mrs.V.Yamuna Devi Special Government Pleader
For R3	:	Mr.Y.Bhuvanesh Kumar Standing Counsel
For R4	:	Mr.D.B.R.Prabhu Standing Counsel



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ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus directing the respondent not to enforce the lock and seal notice issued under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, at Door No.70, Secretariat Colony, 8th Street, Kilpauk, Chennai 10, pending disposal of the appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act on the file of the 1st respondent.

2.The petitioner is the owner of property bearing Door No.70, Secretariat Colony, 8th Street, Kilpauk, Chennai 10. Though it is stated that the petitioner had secured planning permission from the respondents for construction, notice was issued to the petitioner by the 4th respondent calling upon the petitioner to produce the approved plan. Since the construction is not in accordance with the plan, probably, the 4th respondent issued the notice for locking and sealing the premises pointing out several deviations. However, it is stated that notice issued by the 4th respondent is the subject matter of revision petition filed under Section 80-A of the Tamil Nadu Town



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and Country Planning Act, 1971. Since the statutory revision preferred by the petitioner is pending before the 1st respondent, the petitioner has now come forward with a prayer to forbear the respondents 1 to 4 from taking any coercive action in respect of the building put up by the petitioner in her own property.

3.Heard the learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader, who takes notice for the respondents 1 and 2.

4.The pendency of the revision petition filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, is not in dispute. Hence, this Court is of the view that the respondents are expected to maintain status *quo*. Hence, this Court is inclined to dispose of this writ petition with the following directions :

- i. The 1st respondent is directed to consider and dispose of the statutory revision stated to have been filed by the petitioner before the 1st respondent under Section 80-A of the Tamil Nadu Town and Country



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Planning Act, 1971, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, and communicate the decision to the petitioner.

- ii. Till such time the 1st respondent disposes of the revision and passes orders on merits in the revision petition, the respondents are directed to maintain status *quo* and no coercive action needs to be taken pursuant to the order which is the subject matter of challenge in the revision petition.

5. 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.)
13.02.2024

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Internet : Yes
Index : Yes / No
Neutral Citation : Yes / No

To



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S.S. SUNDAR, J.



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and
N. SENTHILKUMAR, J.

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