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W.P.Nos.4083 and 4216 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.Nos.4083 & 4216 of 2024

and

W.M.P.Nos.4396 & 4529 of 2024

S.Krishnan

... Petitioner
in both writ petitions

Vs.

1.The Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

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

3.P.Dhanasekaran

4.V.Jayaniranjana

5.S.B.Arunkumar



W.P.Nos.4083 and 4216 of 2024

6.B.Bharathkumar

... Respondents
in W.P.No.4083 of 2024

1.The Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

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

3.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.

... Respondents
in W.P.No.4216 of 2024

Prayer in W.P.No.4083 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to lock, seal and demolition notice dated 08.11.2022 vide Notice No.EC/S-I/16074/2022, issued by the 2nd respondent under Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971, and quash the same.

Prayer in W.P.No.4216 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the



W.P.Nos.4083 and 4216 of 2024

records relating to De-occupation Notice dated 13.02.2024 vide Letter No.EC/S-I/681/2017, issued by the 2nd respondent under Section 56(2) Sub-Clause (iii) and (2A) of the Tamil Nadu Town and Country Planning Act, 1971, and quash the same.

For Petitioner	:	Mr.D.S.Ramesh in both writ petitions
For R1	:	Mr.R.Kumaravel Additional Government Pleader in W.P.No.4083 of 2024
For R1 and R3	:	Mr.R.Kumaravel Additional Government Pleader in W.P.No.4216 of 2024
For R2	:	Mr.Y.Bhuvanesh Kumar Standing Counsel for CMDA in both writ petitions

COMMON ORDER

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

W.P.No.4083 of 2024 is filed challenging the lock, seal and demolition notice, dated 08.11.2022, issued by the 2nd respondent under Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971.

W.P.No.4216 of 2024 is filed challenging the subsequent De-occupation



W.P.Nos.4083 and 4216 of 2024

Notice, dated 13.02.2024, issued by the 2nd respondent under Section 56(2) Sub-Clause (iii) and (2A) of the Tamil Nadu Town and Country Planning Act, 1971.

2.The petitioner in both the writ petitions has obtained a registered sale deed dated 08.12.2006 from the owner of the land. However, it appears that the builder, who has developed the building complex, has sold the property to the petitioner and executed the sale deed in favour of the petitioner covering the lumber room and servant room, which was shown in the approved plan, by converting the same along with a space as a small single bed room flat. Though the petitioner has stated that he has filed an application for regularisation on 21.06.2020, with regularisation fee by Receipt dated 21.06.2020, the 2nd respondent has issued the notice dated 08.11.2022 for lock, seal and demolition, which is impugned in W.P.No.4083 of 2024. Thereafter, the 2nd respondent has passed the De-occupation Notice, dated 13.02.2024, under Section 56(2) of the Tamil Nadu Town and Country Planning Act, requiring discontinuation of usage of the unauthorised building, which is impugned in W.P.No.4216 of 2024.



W.P.Nos.4083 and 4216 of 2024

WEB COPY

3.However, the impugned orders appear to be the subject matter of the statutory revision filed by the petitioner and it is stated that the said revision petition is pending before the 1st respondent. Learned counsel for the petitioner requested for issuing a direction for the earlier disposal of the statutory revision filed by the petitioner along with the application for stay and to direct the respondents not to enforce the orders impugned in the writ petitions till such time.

4.Considering the limited scope of the prayer now sought for by the learned counsel for the petitioner before this Court, these writ petitions are disposed of with a direction to the 1st respondent to consider and dispose of the statutory revision stated to have been 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 affording sufficient opportunity to the petitioner, within a period of sixteen weeks from the date of receipt of a



W.P.Nos.4083 and 4216 of 2024

copy of this order. Till such time the statutory revision is disposed of on

merits, the respondents are directed to maintain status *quo*. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)
22.02.2024

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Note to Registry :
Issue order copy on 23.02.2024.

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 3.The Additional Secretary (Technical),
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W.P.Nos.4083 and 4216 of 2024

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

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W.P.Nos.4083 & 4216 of 2024



WEB COPY



W.P.Nos.4083 and 4216 of 2024

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