



WEB COPY



W.P.No.5075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.5075 of 2024

and

W.M.P.No.5593 of 2024

Dr.K.Vivekananda Subramanianathan

... Petitioner

Vs.

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

2.The Executive Engineer,
Greater Chennai Corporation,
Zone-14,
No.6/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai – 600 091.

3.The Assistant Executive Engineer,
Greater Chennai Corporation,
Unit-42, Zone-14,
No.6/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai – 600 091.



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4. The Assistant Engineer,
Greater Chennai Corporation,
Division-186, Unit-42, Zone-14,
No.6/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai – 600 091.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent herein to dispose of the statutory appeal dated 22.12.2023 filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, challenging the Lock & Seal and Demolition notice dated 21.11.2023 issued by the respondents 2 to 4 vide Letter No.14/00245/2023, till such time forbearing the respondents 2 to 4 from taking any coercive action in pursuant to the lock & seal and demolition notice issued by the respondents 2 to 4 in Letter No.14/00735/2023 dated 21.11.2023.

For Petitioner	:	Mr.S.Sathish Rajan
For R1	:	Mrs.V.Yamuna Devi Special Government Pleader
For R2 to R4	:	Mr.D.B.R.Prabhu Standing Counsel
For Mr.R.Gopal (proposed respondent)	:	Mr.P.Palaniandy



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ORDER

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

This writ petition is filed challenging the Lock & Seal and Demolition Notice issued by the respondents 2 to 4, dated 21.11.2023, following the proceedings dated 23.09.2023 by which the petitioner was directed to stop work immediately.

2.The grievance of the petitioner is that the petitioner has preferred a statutory revision before the 1st respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, and hence, any coercive action pursuant to the Demolition Notice will make the petitioner to face irretrievable situation.

3.When the matter was argued by the learned counsel for the petitioner, an Advocate by name Mr.P.Palaniandy made a mention that he represents one Mr.R.Gopal, who is residing in Luz Church Road, Mylapore. The grievance expressed by the counsel is that the property originally



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belongs to his client by name Mr.R.Gopal and therefore, he would like to file a petition to implead the real owner of the property. The counsel mentioned that the petitioner has put up construction encroaching the road and that the writ petition is filed suppressing the material facts.

4.Without going into the merits of the contentions raised by the petitioner, this Court is of the view that the petitioner, who has challenged the order passed against him, should be permitted to prosecute his revision petition. Since a third party now claims certain rights to the property in which the petitioner has put up construction, the 1st respondent is directed to issue notice to Mr.R.Gopal, who is residing at Door No.66/3A, Luz Church, Road, Mylapore, Chennai - 600 004, and to hear his objections before considering and passing orders in the revision petition stated to have been filed by the petitioner. If the issue raised by Mr.R.Gopal involves disputed question of facts, he may be directed to approach the Civil Court. Till such time the revision petition is decided by the 1st respondent, the respondents are directed to maintain status *quo*.



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WEB COPY 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.)
28.02.2024**

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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