



W.P.No.5220 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.5220 of 2024

and

W.M.P.No.5734 of 2024

Shri Ram Engineering Company,
Represented by its Partner,
M.D.Ram Manohar,
Carrying on business at
New No.6, Old No.6,
Narasinghapuram Street,
Pudupet, Chennai – 2.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.



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3.The Executive Engineer,
Zone-V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 2nd and 3rd respondents from in any way interfering with petitioner's premises at New No.6, Old No.6, Narasinghapuram Street, Pudupet, Chennai-600 002, comprised in R.S. Nos.3230, 3231/1 and 3231/2, Block No.64 of Triplicane Village more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's special revision and stay petition dated 12.02.2024 filed under Section 80(A) and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

For Petitioner	:	Mr.L.Chandrakumar
For R1	:	Mr.R.Kumaravel Additional Government Pleader
For R2 and R3	:	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 forbearing the 2nd and 3rd respondents from in any way interfering with petitioner's premises at New No.6, Old No.6, Narasinghapuram Street, Pudupet, Chennai-600 002, comprised in R.S. Nos.3230, 3231/1 and 3231/2, Block No.64 of Triplicane Village, more particularly by way of locking, sealing and demolition of the same, pending final determination of petitioner's special revision and stay petition dated 12.02.2024 filed under Section 80(A) and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

2.The petitioner states that he had put up construction in his own land long back and decided to demolish the existing building and construct a new commercial-cum-residential building in the same place. It is the case of the petitioner that the petitioner commenced construction after filing necessary application with the respondents. However, the 3rd respondent issued a



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notice on 22.03.2021 to the petitioner, calling upon the petitioner to produce the sanctioned plan obtained by the petitioner. It is the case of the petitioner that, despite the petitioner produced all the documents, the 3rd respondent has issued the Lock & Seal and Demolition Notice dated 05.02.2024 with a direction to the petitioner to restore the building in compliance of the approved plan within 30 days. It is stated by the petitioner that, as against the order passed by the 3rd respondent, the petitioner has filed a revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, along with stay application. The grievance of the petitioner is that the respondents cannot be permitted to take coercive action to enforce the impugned order, as the petitioner will be put to irretrievable damages if enforcement action is taken during the pendency of the revision.

3.This Court, in similar circumstances, has directed the State to consider the revision filed by the petitioners therein and to maintain status *quo* till such time the Statutory revision is disposed of in one way or the other. Having regard to the consistent view taken by this Court, we are



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inclined to issue the following directions :

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- 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 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.

4. 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.)
29.02.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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State of Tamil Nadu,
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- 2.The Commissioner,
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Ripon Buildings,
Chennai – 600 003.
- 3.The Executive Engineer,
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and
N. SENTHILKUMAR, J.

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