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W.P.No.5229 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.5229 of 2024

and

W.M.P.No.5748 of 2024

M.Loganathan

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by its Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.

2. Greater Chennai Corporation,
Represented by its Commissioner,
Ripon Building,
Chennai – 600 003.

3. The Executive Engineer,
Greater Chennai Corporation,
Zone-9, No.1, Lake Area,
IV Cross Street, Nungambakkam,
Chennai – 600 034.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 2 and 3 from in anyway interfering with the petitioner's residential building at New No.6/2, Old No.22/2, Balakrishna Road, Mylapore, Chennai-600 004, comprised in Survey No.1696/1, particularly by way of locking and sealing and or demolition of the same, pending final determination of the Special Revision Petition dated 23.01.2024 by the 1st respondent under Sections 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971.

For Petitioner	:	Mr.D.S.Rajasekaran
For R1	:	Mr.R.Kumaravel Additional Government Pleader
For R2 and R3	:	Mr.D.B.R.Prabhu Standing Counsel

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 respondents 2 and 3 from in anyway interfering with the petitioner's residential building at New No.6/2, Old No.22/2, Balakrishna



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Road, Mylapore, Chennai-600 004, comprised in Survey No.1696/1, particularly by way of locking and sealing and or demolition of the same, pending final determination of the Special Revision Petition dated 23.01.2024 by the 1st respondent under Sections 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971.

2.The petitioner states that he had put up a small house which existed for more than a century in S.No.1696/1 and had done several renovation, repair of the said building. It is the case of the petitioner that the petitioner is paying Property Tax for the building and enjoying basic amenities like electricity, water supply, sewerage, etc. The petitioner is living in a building and site measuring 853 sq. ft. It is contended by the petitioner that the 3rd respondent, at the instigation of the petitioner's neighbour, has issued a notice dated 31.05.2019 to lock and seal the premises of the petitioner. The petitioner admits that his neighbour had filed a writ petition earlier in W.P.No.14331 of 2019 and obtained general directions against the petitioner's building. By an order dated 28.03.2023, the Division Bench of this Court, in W.P.No.14331 of 2019, without deciding any issue regarding



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title to the property, directed the official respondents to inspect the property in question and other properties in the same street in S.No.1696/1, after issuing notice to the petitioner as well as the objector within a period of two weeks from the date of receipt of a copy of the order and to take action against the petitioner, if there is any violation, in accordance with law. The apprehension of the petitioner is that, propelled by the general direction issued by this Court in the writ petition filed by the private individual, the 3rd respondent has issued the impugned order.

3.Be that as it may, the petitioner states that he has preferred a revision before the 1st respondent on 23.01.2024 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, against the order of the 3rd respondent. 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, this Court is inclined to issue the following directions :

- i. The 1st respondent is directed to consider and dispose of the Statutory



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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

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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To
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- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 3.The Executive Engineer,
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Zone-9, No.1, Lake Area,
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and
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