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W.P.No.5475 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN

W.P.No.5475 of 2024

and

W.M.P.No.6049 of 2024

R.Dhavamani

... Petitioner

Vs.

- 1.State of Tamil Nadu,
represented by its Secretary,
(Housing and Urban Development Department)
Fort St. George, Chennai – 600 009.
- 2.The Commissioner/Additional Chief Secretary,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.
- 3.The Zonal Officer,
Zone-IV,
Greater Chennai Corporation,
No.204, Thiruvotriyur Main Road,
Chennai – 600 021.



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4.The Executive Engineer,
Zone IV,
Greater Chennai Corporation,
Thiruvotriyur Main Road,
Chennai – 600 021.

5.The Assistant Executive Engineer,
Unit-10, Zone IV,
Greater Chennai Corporation,
Thiruvotriyur Main Road,
Chennai – 600 021.

6.The Assistant Engineer,
Unit-10, Division-041, Zone IV,
Greater Chennai Corporation,
Thiruvotriyur Main Road,
Chennai – 600 021.

7.A.Mariyal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent herein to dispose of the Appeal pre-suit No.C/2/2024, dated 22.02.2024, pending before him along with the stay petition and not to take any coercive action.

For Petitioner	:	Mr.R.Thiagarajan
For R1	:	Mrs.V.Yamuna Devi Special Government Pleader
For R2 to R6	:	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 1st respondent herein to dispose of the Appeal dated 22.02.2024, pending before him along with the stay petition and not to take any coercive action.

2.The petitioner states that he purchased the property from one of the co-owners of the 7th respondent. It appears that a civil suit in O.S.No.1915 of 2014 is pending between the petitioner's vendor and other co-owners, for various reliefs. However, the 7th respondent, who is one of the co-owners, appears to have filed a writ petition before this Court alleging unauthorised construction by the petitioner and others and obtained an order as against the petitioner's premises. Pursuant to that, it is stated that the respondents have initiated action for removal of alleged unauthorised construction, by issuing Lock & Seal and Demolition Notice, dated 05.02.2024. The petitioner states that a revision petition is filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971,



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challenging the order dated 05.02.2024, and the same is pending before the

1st respondent. The grievance of the petitioner is that the respondents shall be directed not to take any coercive steps or enforcement action for demolition till such time the petitioner's revision petition is disposed of on merits.

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 inclined to issue 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 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



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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.) (G.A.M., J.)
01.03.2024

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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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G. ARUL MURUGAN, J.

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