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W.P.No.6563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.6563 of 2024

and

W.M.P.No.7288 of 2024

D.Vijaya

... Petitioner

Vs.

1. Government of Tamil Nadu,
represented by its Additional Secretary (Technical)
Appellate Authority,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai – 600 003.
3. The Executive Engineer,
Zone 07,
Greater Chennai Corporation,
M.T.H. Road,
Ambattur,
Chennai – 600 053.



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4.The Assistant Executive Engineer,
Unit 19, Zone 07,
Greater Chennai Corporation,
M.T.H. Road,
Ambattur,
Chennai – 600 053.

5.The Assistant Engineer,
Division 84, Unit 19, Zone 07,
Greater Chennai Corporation,
Korattur,
Chennai – 600 080.

6.The Junior Engineer,
Division 84, Unit 19, Zone 07,
Greater Chennai Corporation,
Korattur,
Chennai – 600 080.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the concerned records from the respondents 3 to 6, quash the Locking and Sealing Notice dated 20.07.2023 bearing Notice No.Z-7/Div84/0163/2022 issued by the respondent Nos.3 to 5 and the De-Occupation Notice dated 23.02.2024 issued by the respondent Nos.3, 4 and 6 bearing Notice No.Z-7/Div84/0163/2022 as illegal, arbitrary and contrary to law and consequently, direct the 1st respondent to pass orders on the Appeal dated 28.08.2023 preferred by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, within the time frame stipulated by this Court.



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For Petitioner : Mr.Balan Haridas
For R1 : Mrs.V.Yamuna Devi
Special Government Pleader
For R2 to R6 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

This writ petition is filed challenging the Locking and Sealing Notice dated 20.07.2023 issued by the respondents 3 to 5 and the De-Occupation Notice dated 23.02.2024 issued by the respondents 3, 4 and 6.

2.The case of the petitioner is that he had purchased a flat measuring 600 sq.ft. in the year 1998 and that there are five more flats in the same building. It is the case of the petitioner that he had initiated action against the local MLA for an encroachment in public road. According to him, he was successful in getting a declaration from the Civil Court that the encroachment made by the local MLA is in public road. It is on account of the Civil Court's verdict, it is the case of the petitioner that, at the instigation



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of the local MLA, the petitioner has been served with a notice for locking and sealing the premises without even following the due process or making a local inspection. The petitioner has filed a statutory revision before the 1st respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The grievance of the petitioner is that till such time the statutory revision is disposed of by the Government, the respondents may be directed not to indulge in any enforcement action.

3.This Court, in similar circumstances, have passed orders for early disposal of the revision by the Government and to maintain status *quo* in the meanwhile. 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, taking into consideration the facts stated and the grounds raised by the petitioner before this Court, within a period of twelve weeks from the



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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.)
14.03.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Additional Secretary (Technical)
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.



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