



WEB COPY



W.P.No.6328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM:

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.6328 of 2024

PL.Meyyammai .. Petitioner
v.

1. The Government of Tamil Nadu
rep.by its Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St.George
Chennai 600 009

2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maaligai
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008

3. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai 600 003

4. PL.Kannan .. Respondents



W.P.No.6328 of 2024

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent herein to dispose of the application filed by the petitioner on 15.09.2023 under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 against the proceedings bearing Notice No. EC/C-II/0396/2022 dated 11.08.2023 in respect of the building bearing Old Door No.12A and 12B, New Door No.29, Mahalakshmi Street, T.Nagar, Chennai 600017 and pass orders thereon in accordance with the law and direct the 2nd respondent to forthwith remove the lock and seal imposed on 06.03.2024 in the building at Old Door No.12A and 12B, New Door No.29, Mahalakshmi Street, T.Nagar Chennai 600017.

For Petitioner :: Mr.AR.L.Sundaresan
Senior Counsel for
Mr.L.Palanimuthu

For Respondents :: Mrs.V.Yamuna Devi
Special Government Pleader
for R1
Mr.Y.Bhuvanesh Kumar
Standing Counsel for R2
Mr.D.B.R.Prabhu
Standing Counsel for R3

ORDER

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

This writ petition is filed for issuance of a mandamus to the 1st



W.P.No.6328 of 2024

respondent herein to dispose of the application filed by the petitioner on 15.09.2023 under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 against the proceedings bearing Notice No. EC/C-II/0396/2022 dated 11.08.2023 in respect of the building bearing Old Door No.12A and 12B, New Door No.29, Mahalakshmi Street, T.Nagar, Chennai 600017 and pass orders thereon in accordance with law and direct the 2nd respondent to forthwith remove the lock and seal in respect of the building at Old Door No.12A and 12B, New Door No.29, Mahalakshmi Street, T.Nagar, Chennai 600017.

2. The learned Senior Counsel appearing for the petitioner, during the course of arguments, pointed out that the fourth respondent, who is none else than the son of the petitioner, appears to have raised some dispute with regard to the land in which the property has been put up by the petitioner. At the instance of the fourth respondent, there was an order to lock and seal the premises. It is stated by the petitioner that a statutory revision is filed as against the order of locking and sealing the premises. The learned Senior Counsel further states that the petitioner has also applied for regularisation



W.P.No.6328 of 2024

of the building under Section 113-C of the Tamil Nadu Town and Country Planning Act.

3. Prima facie, having regard to the fact that the regularisation application is pending and its process is delayed on account of the pendency of the matter before the Hon'ble Supreme Court and that the authorities have locked and sealed the premises only pursuant to the writ petition filed by the fourth respondent to enforce the previous order of this Court, this Court is of the view that the petitioner can be allowed to use the premises till such time the statutory revision as well as the regularisation application filed by the petitioner are disposed of on merit to its logical end. Except stating that the fourth respondent should also be heard at the time when the revision petition is taken up for hearing by the first respondent, the respondents are directed to de-seal the subject premises within a period of one week from the date of receipt of a copy of this order. Till such time the statutory revision filed by the petitioner is disposed of in the manner known to law, the respondents shall maintain status quo, after de-sealing the premises. Needless to say that the first respondent shall also pass orders taking into



W.P.No.6328 of 2024

consideration the regularisation application filed by the petitioner after giving opportunity to the fourth respondent. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.7035 of 2024 is closed. No order as to costs.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

28.03.2024

ss

To

1. The Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St.George
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maaligai
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008
3. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai 600 003



WEB COPY



W.P.No.6328 of 2024

S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

W.P.No.6328 of 2024

28.03.2024



W.P.No.6328 of 2024

WEB COPY

W.P.No.6328 of 2024

S.S. SUNDAR, J.

and

N. SENTHILKUMAR, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

After disposal of this writ petition by order dated 28.03.2024, the learned counsel for the 4th respondent made a mention before this Court that the 4th respondent was not heard. Therefore, the matter is listed today under the caption “for being mentioned”.

2.The grievance of the learned counsel appearing for the 4th respondent is that there are two different properties. Even though the petitioner is in possession of one property and there is no issue, learned counsel appearing for the 4th respondent submitted that the 4th respondent is entitled to a portion of the building which exclusively belongs to the 4th respondent. Since the direction in the writ petition is in respect of two buildings, the learned counsel stated that there cannot be a direction in respect of the property of 4th respondent in the writ petition.



W.P.No.6328 of 2024

WEB COPY

3.Learned Senior Counsel appearing for the petitioner pointed out that the question whether the 4th respondent is entitled to the other property is the subject matter of a civil suit. However, the fact that the petitioner is in possession and had put up construction, is not in issue. The learned senior counsel further submitted that the 4th respondent, of course, may get his property if he succeeds in the suit for partition which is pending.

4.In the stated circumstances, this Court finds that the order dated 28.03.2024 need not be altered or modified. However, the order that is passed on 28.03.2024 in W.P.No.6328 of 2024 is without prejudice to the rights of the 4th respondent to get his share or right that may be declared in the suit for partition. It is made clear that the petitioner may not claim any right in equity on the basis of her construction being regularised by the respondents pursuant to the order of this Court dated 28.03.2024 in W.P.No.6328 of 2024. The order dated 28.03.2024 shall be read along with this order.

(S.S.S.R., J.) (N.S., J.)



mkn
WEB COPY



W.P.No.6328 of 2024

22.04.2024

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

mkn

W.P.No.6328 of 2024



WEB COPY



W.P.No.6328 of 2024

22.04.2024