



WEB COPY



W.P.No.9638 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.9638 of 2024

and

W.M.P.No.10671 of 2024

Sri Sai Sarvesh Polymers
Represented by T.Parthiban
Plot No.109, Thirupathi Nagar Annexe,
Vilangaduppakkam Panchayath, Red Hills,
Ponneri Taluk, Chennai – 600 052.

... Petitioner

Vs.

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

2.The Commissioner,
Puzhal Panchayat Union,
Chennai – 600 066.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Mandamus to forbear the 2nd respondent or any



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other persons on their behalf from initiating coercive action of locking and sealing and demolition with regard to the premises at Plot No.109, Thirupathi Nagar Annexe, Vilangaduppakkam Village Panchayath, Red Hills, Chennai – 600 052, pending determination of Section 80-A revision petition dated 06.04.2023 with the 1st respondent and consequently, direct the respondents to regularise the building.

For Petitioner : Mr.P.Ramanathan
For R1 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For R2 : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus to forbear the 2nd respondent from initiating coercive action of locking and sealing and demolition with regard to the premises at Plot No.109, Thirupathi Nagar Annexe, Vilangaduppakkam Village Panchayath, Red Hills, Chennai – 600 052, pending determination of Section 80-A revision petition, dated 06.04.2023, before the 1st respondent and consequently, to direct the respondents to regularise the building.



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2.The petitioner has purchased the property under a registered sale deed, dated 28.08.2020, where its predecessor was running waste plastics recycling unit. It is the case of the petitioner that they have obtained a licence and permission from various authorities as required and also obtained approval from local planning authority by regularisation for an unapproved plot even in 2022. However, the petitioner received a notice for locking and sealing under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971. As against this order, it is stated by the petitioner that they have preferred a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. It appears that during the pendency of the revision, the 2nd respondent has issued a notice stating that the building will be locked and sealed within three days. The grievance of the petitioner is that the petitioner may be permitted to use the premises till such time the revision petition filed by them is disposed of by the 1st respondent.

3.Considering the facts and circumstances of the case and the various orders passed by this Court in similar cases, this Court is inclined to issue



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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, under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, on merits and in accordance with law, and pass appropriate orders, within a period of 16 weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.
- ii. Till such time the petitioner's revision petition is disposed of by the 1st respondent on merits and the order is communicated to the petitioner, the 2nd respondent is directed to maintain status *quo*.

4. With these directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
05.04.2024

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 and Urban Development Department,
Secretariat, Chennai – 600 009.

- 2.The Commissioner,
Puzhal Panchayat Union,
Chennai – 600 066.



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

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