



WEB COPY



W.P.No.11119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 22.04.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE S.S. SUNDAR**

**AND**

**THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR**

**W.P.No.11119 of 2024**

**and**

**W.M.P.Nos.12197 & 12198 of 2024**

Usha S.

... Petitioner

Vs.

1.The Secretary to the Government,  
Housing and Urban Development Department,  
Fort St. George,  
Chennai – 600 009.

2.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Gandhi Irwin Road,  
Egmore, Chennai – 600 008.

3.The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai – 600 001.



W.P.No.11119 of 2024

WEB COPY

4. The Assistant Engineer,  
Div-135,  
The Greater Chennai Corporation,  
Adayar, Chennai – 600 020.

5. The Assistant Executive Engineer,  
Unit-31,  
The Greater Chennai Corporation,  
Adayar, Chennai – 600 020.

6. The Executive Engineer,  
Zone 10,  
The Greater Chennai Corporation,  
Adayar, Chennai – 600 020.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to Lock and Seal and Demolition Notice dated 29.01.2024 vide Letter No.10/00177/2022 jointly issued by the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> respondents herein and to quash the same and consequently to direct the 1<sup>st</sup> respondent to consider and pass orders on the Appeal dated 28.02.2024 filed by the petitioner under Section 80A of the Town and Country Planning Act, 1971, concerning the property situated at Flat No.2, Old Block No.51, New Block No.58, Old No.51/2, New No.58/2, 11<sup>th</sup> Avenue, Ashok Nagar, Chennai – 600 083, and to consequently forbear the respondents from initiating any coercive action with respect to the property at Flat No.2, Old Block No.51, New Block No.58, Old No.51/2, New No.58/2, 11<sup>th</sup> Avenue, Ashok Nagar, Chennai – 600 083.



W.P.No.11119 of 2024

For Petitioner : M/s.Y.Kavitha  
For R1 : Mr.G.Nanmaran  
Special Government Pleader  
For R2 : Mr.R.Sivakumar  
Standing Counsel  
For R3 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 Lock and Seal Notice, dated 29.01.2024, issued in respect of the petitioner's building.

2.The petitioner is the owner of the premises, namely, a Flat in 11<sup>th</sup> Avenue, Ashok Nagar, Chennai. It is the case of the petitioner that the petitioner had given a complaint earlier against one G.Thyagarajan, based on which, proceedings were initiated against the third party for removal of unauthorised construction. It appears that, at the instance of the said G.Thyagarajan, now proceedings had been initiated against the petitioner



W.P.No.11119 of 2024

for locking and sealing the premises by issuing notice dated 29.01.2024.

The petitioner states that a statutory revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, had been filed by her. The apprehension of the petitioner is that the respondents are likely to proceed further for implementation of the earlier order passed by the respondents in exercise of their power under Section 57 r/w. 85 of the Tamil Nadu Town and Country Planning act, 1971. The prayer 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 1<sup>st</sup> 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



W.P.No.11119 of 2024

WEB COPY

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 1<sup>st</sup> respondent on merits and the order is communicated to the petitioner, the respondents are directed to maintain status *quo*.

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

Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)  
22.04.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To



W.P.No.11119 of 2024

WEB COPY

- 1.The Secretary to the Government,  
Housing and Urban Development Department,  
Fort St. George, Chennai – 600 009.
- 2.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Gandhi Irwin Road,  
Egmore, Chennai – 600 008.
- 3.The Commissioner,  
Greater Chennai Corporation,  
Ripon Building,  
Chennai – 600 001.
- 4.The Assistant Engineer,  
Div-135,  
The Greater Chennai Corporation,  
Adayar, Chennai – 600 020.
- 5.The Assistant Executive Engineer,  
Unit-31,  
The Greater Chennai Corporation,  
Adayar, Chennai – 600 020.
- 6.The Executive Engineer,  
Zone 10,  
The Greater Chennai Corporation,  
Adayar, Chennai – 600 020.

**S.S. SUNDAR, J.**



WEB COPY



W.P.No.11119 of 2024

**and**  
**N. SENTHILKUMAR, J.**

mkn

**W.P.No.11119 of 2024**

**22.04.2024**