



WEB COPY



W.P.No.13119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.No.13119 of 2024
and W.M.P.No.14270 of 2024

1. S.Muthumani
2. N.Vaijyanthi
3. N.Sakthi Sabari
4. R.S.Radhakrishnan
5. Malini Balaji
6. P.Vijayakumar
7. Shyamala Krishnan

.. Petitioners

Vs.

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

2. The Commissioner,
The Corporation of Chennai, Rippon Building,
Poonamallee High Road, Chennai-600 003.



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3. The Executive Engineer,
The Corporation of Chennai,
Zonal Office X,
Division No.117, N.S.K.Salai,
Kodambakkam, Chennai-600 024.

4. Assistant Executive Engineer,
Unit 30, Division 133,
Greater Chennai Corporation,
T.Nagar, Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent to dispose of petitioners' appeal dated 11.04.2024 seeking regularization of revised plan for Block D, RR Flats, D.No.10, Sivaprakasam Street, T.Nagar, Chennai-600 017, comprised in T.S.No.6281/1, Block No.137, T.Nagar Village, Chennai, within a time frame to be fixed by this Honourable Court and consequently forebear respondents 2 to 4 from taking any coercive action till the petitioners' appeal is disposed of.

For Petitioners	:	Mr.Ramesh, Senior Counsel for Mr.V.Subramani
For R1	:	Mr. M.Muthusamy, Govt. Adv.
For R2 to R4	:	Mr.D.B.R.Prabhu, Standing Counsel



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ORDER

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By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners have come up with this writ petition seeking a direction to the 1st respondent to dispose of the petitioners' appeal dated 11.04.2024 seeking regularization of revised plan for their flats within a time frame and consequently forebear respondents 2 to 4 from taking any coercive action till the petitioners' appeal is disposed of.

3.Learned Senior Counsel for the petitioners submits that the petitioners are the owners of the flats situated at Block D, RR Flats, D.No.10, Sivaprakasam Street, T.Nagar, Chennai-600 017, comprised in T.S.No.6281/1, Block No.137, T.Nagar Village, Chennai. The said building was constructed after obtaining planning permission. The owners of other Block nos.A, B & C approached the petitioners for sale of their apartment building. Since the petitioners are not willing to sell their flats, the owners of



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other blocks intimidated the petitioners using political clout. Meanwhile, the 3rd respondent issued notice to the petitioners on 26.03.2024 without affording an opportunity of being heard and without conducting any enquiry stating that there is a setback deviation in the building and an unauthorised development was carried out in violation of planning permission. Therefore, the petitioners have filed appeal to the 1st respondent under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, on 11.04.2024 seeking regularisation of revised plan and have come out with the present writ petition for the above stated relief.

4. Heard the learned Senior Counsel appearing for the petitioners as well as the learned Government Advocate appearing for the 1st respondent and the learned Standing Counsel appearing for respondents 2 to 4.

5. Considering the submissions made on either side, the 1st respondent is directed to consider and dispose of the appeal filed by the petitioners dated 11.04.2024 on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such



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time, respondents 2 to 4 are restrained from taking any coercive steps against the petitioners.

6. With the above directions, the Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

(A.D.J.C.,J.)

(R.K.M.,J.)

08.05.2024

(2/2)

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

kj/mmi

To

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

2. The Commissioner,
The Corporation of Chennai, Rippon Building,
Poonamallee High Road, Chennai-600 003.

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A.D.JAGADISH CHANDIRA, J.,
and
R.KALAIMATHI,J.

Kj/mmi

3.The Executive Engineer,
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