



WEB COPY



W.P.Nos.14205, 14209 and 14215 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.Nos.14205, 14209 and 14215 of 2024 and

W.M.P.Nos.15402, 15405 and 15408 of 2024

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|-------------------------------------|-------------------------------------|
| 1. Sabari Rajan | ... Petitioner in W.P.No.14205/2024 |
| 2. V.Saravanan | ... Petitioner in W.P.No.14209/2024 |
| 3. Lingam | |
| Rep. by his Power of Attorney Agent | |
| Mrs.V.A.Jayalakshmi | ... Petitioner in W.P.No.14215/2024 |

-VS-

- | | |
|--|-----------------|
| 1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009. | |
| 2. The Executive Engineer,
Zone-IX, Greater Chennai Corporation,
No.1, Lake Area 4 th Cross Street,
Nungambakkam, Chennai-600 034. | |
| 3. The Assistant Engineer,
Division-124, Zone-IX, Greater Chennai Corporation,
No.1, Lake Area 4 th Cross Street,
Nungambakkam, Chennai-600 034. | |
| 4. The Commissioner,
The Corporation of Chennai,
Rippon Building,
Chennai-600 003. | ... Respondents |



W.P.Nos.14205, 14209 and 14210 of 2021

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 2nd to 4th respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in New No.29, Part C, A & C, Old No.29, 2nd Floor, Kallukaran Street, Mylapore, Chennai-600 004 till the disposal of the petitioners' revised plan dated 21.05.2024 in SD/WDCN09/00727/2021 submitted under the Tamil Nadu Town and Country Planning Act to the 1st respondent.

For Petitioners	:	Mr.S.Lakshmikanth
For R2 to R4	:	Ms.K.Aswini Devi
For R1	:	Mr.S.John J.Raja Singh Addl. Govt. Pleader

COMMON ORDER

(By D.Krishnakumar,J.,)

These Writ Petitions have been filed to forbear the respondents 2 to 4 or anybody on their behalf from initiating any coercive action with regard to properties comprised in New No.29, Part C, A & C, Old No.29, 2nd Floor, Kallukaran Street, Mylapore, Chennai-600 004 till the disposal of the petitioners' revised plan dated 21.05.2024 in SD/WDCN09/00727/2021 submitted under the Tamil Nadu Town and Country Planning Act to the 1st respondent.

2. When the matter is taken up for hearing, learned counsel for the respondents 2 to 4 stated before this Court that notice had been issued under Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 to the owner / occupiers of



the building in question, against which, a Writ Petition was filed in W.P.No.30597 of 2023. After hearing the parties, this Court, by an order 20.10.2023, passed the following order:

“3. Learned counsel for the petitioner would state that the petitioner derived valid title to the aforesaid property under registered sale deed. The petitioner is in absolute possession and enjoyment of the property. He had obtained Planning permission on 22.04.2022 for construction of residential building. The petitioner had built a building in compliance with law, however, there are minor deviations of the approved planning permission and the same is rectifiable. The respondent has issued lock and seal notice dated 10.08.2023. Aggrieved over the same, the petitioner preferred an appeal under Section 80-A of Tamil Nadu Town and Country Planning Act along with stay petition before the 1st respondent on 10.10.2023 and the same is pending. During the pendency of the appeal, the respondents are taking coercive steps for demolition of the building.

4. Considering the above submission made by the learned counsel for the petitioner, without expressing any view on the merits of the claim made by the petitioner, the 1st respondent is directed to consider the appeal filed by the petitioner dated 10.10.2023 and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action as against the subject property in issue. No costs. consequently, connected miscellaneous petition is closed.”

3. Learned counsel for the respondents 2 to 4 further stated that till date, the petitioners have not submitted the revised plan for approval with the Greater Chennai Corporation either through online portal or by way of physical application. Even on 04.05.2023, this Court directed some of the petitioners in W.P.Nos.14525 of 2023, etc., batch to submit the revised plan, by issuing following directions:



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“4. Be that as it may, considering the fact that the petitioners have already filed revision petitions before the first respondent which have been duly acknowledged, this Court is inclined to dispose of these writ petitions by directing the petitioner to remove the unauthorized construction done in contravention of the permission granted and submit the revised plan within a period of six weeks from today and the respondents shall pass orders on the revised plan within a period of four weeks there from. Till such time, no coercive steps shall be taken against the petitioners.

4. In view of the afore-stated position, this Court cannot consider the relief as sought by the petitioners herein and it is open to them to make necessary applications to the respondent concerned, more particularly, R1 within a period of one week from the date on which a copy of the order is made ready. If any such application is filed, the same shall be considered and appropriate orders be passed thereon as expeditiously as possible.

5. With the above observation and direction, these Writ Petitions stand disposed of. No. costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K., J.,]

[P.B.B.,J.,]

07.11.2024

Index: Yes / No

Internet: Yes / No

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To: **WEB COPY**

The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.



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