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W.P.No.14124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

and

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.No.14124 of 2024
and W.M.P.No.15309 of 2024

V.Shanthakumari

.. Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.
2. The Deputy Commissioner (Central),
Greater Chennai Corporation,
Shenoy Nagar, Chennai - 600 030.
3. The Executive Engineer - VIII,
Greater Chennai Corporation, Zone VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.
4. The Assistant Executive Engineer / Unit - 21,
Greater Chennai Corporation, Zone VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

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5. The Assistant Engineer / Dn 01,
Greater Chennai Corporation, Zone VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

6. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

.. Respondents

**(R6 suo motu impleaded vide order of this
Court dated 23.05.2024 in W.P.No.14124 of 2024)**

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned orders passed by the respondents dated 07.05.2024 under notice No.ZONE VIII/TPENF/171/2024 and quash the same as null and void and forbearing the respondents from in anyway taking coercive steps like locking and sealing or demolishing or taking any other coercive steps against any part of the petitioner's premises situated at No.27, Redhills, Villivakkam SO, Tiruvallur District comprised in Survey No.338/2A measuring an extent of 812.52 Sq.ft and consequentially direct the respondents to consider Appeal No.7152941 dated 030.04.2024 filed by the petitioner under Section 80A of Tamil Nadu Town and Country Planning Act.



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For Petitioner

: Mr.S.Ramesh

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For Respondents

: Mrs.Aswini Devi

Standing Counsel for R1 to R5

Mr.D.Ravichandar

Special Government Pleader
for impleaded 6th respondent

ORDER

[Order of the Court was made by **G.R.SWAMINATHAN, J.,**]

Heard both sides.

2. *The Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai-600 009, is suo motu impleaded as 6th respondent. Mr.D.Ravichandar, learned Special Government Pleader, takes notice for the impleaded 6th respondent. The Registry is directed to carry out necessary amendment in the cause title.*

3. The petitioner challenges the de-occupation notice issued by the Chennai Corporation. We are not inclined to interfere with the same as of now. This is because the petitioner has already filed a statutory appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971. The

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impleaded 6th respondent is the appellate authority. The appellate authority is directed to dispose of the appeal on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. Since the petitioner has already availed a statutory remedy, till the disposal of the appeal by the impleaded 6th respondent, the impugned order shall not be implemented. We make it clear that we have not gone into the merits of the matter.

4. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S.,J.) (P.B.B.,J.)
23.05.2024

Index : Yes/No
Neutral Citation : Yes/No

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**G.R.SWAMINATHAN, J.,
and
P.B.BALAJI, J.,**

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