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W.P.No.15436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.15436 of 2024

and

W.M.P.No.16792 of 2024

R.Rajagopal

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St. George, Chennai – 600 009.
- 2.The Commissioner,
Greater Corporation of Chennai
Rippon Building, Chennai – 600 003.
- 3.The Executive Engineer,
Zone XI Greater Chennai Corporation,
Zonal Office, No.33, Arcot Road,
Bhuvanaswari Nagar, Valasarawakkam,
Chennai – 600 087.



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4.The Assistant Executive Engineer,
Zone XI, Unit-34, Greater Chennai Corporation,
Zonal Office, No.33, Arcot Road,
Bhuvanawari Nagar, Valasarawakkam,
Chennai – 600 087.

5.The Assistant Engineer,
Division 150, Greater Chennai Corporation,
Ponni Nagar, Mullai Street,
Karambakkam,
Chennai – 600 116.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 2 to 5 from in any way interfering with the petitioner's building put up at Plot No.2/2, Devi Parasakthi Nagar 2nd Street, Karambakkam, Chennai – 116, comprising Survey No.138/4B, particularly by locking, sealing and demolition of any portion or portions of the aforesaid property pending final determination of the petitioner's Special Revision Petition and stay petition filed under Section 80(A) and 80(A)(3) of the Tamil Nadu Town and Country Planning Act, with the 1st respondent dated 04.06.2024.

For Petitioner	:	M/s.V.Rikshamary for Mr.P.Balamurugan
For R1	:	Mr.G.Nanmaran Special Government Pleader
For R2 to R5	:	Mr.D.B.R.Prabhu Standing Counsel



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ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus forbearing the respondents 2 to 5 from in any way interfering with the petitioner's building put up at Plot No.2/2, Devi Parasakthi Nagar 2nd Street, Karambakkam, Chennai – 116, comprising Survey No.138/4B, particularly by locking, sealing and demolishing any portion or portions of the aforesaid property pending final determination of the petitioner's Special Revision Petition and stay petition filed under Section 80(A) and 80(A)(3) of the Tamil Nadu Town and Country Planning Act, with the 1st respondent dated 04.06.2024.

2.The petitioner states that he is the owner of the property bearing Plot No.2/22, Devi Parasakthi Nagar 2nd Street, Karambakkam, Chennai – 116. It is the case of the petitioner that the petitioner applied and obtained building plan permission from the 2nd respondent for the purpose of putting up construction in the year 2022 and that the petitioner also obtained a



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revised plan approval for putting up a new commercial-cum-residential building with stilt floor + 3 floors. Even though the petitioner states that he had not constructed the building in deviation of approved building plan, the respondents 3 and 4 had issued a show cause notice to the petitioner and subsequently, issued Lock and Seal Notice on 23.05.2024. As against the notice to lock and seal the premises, the petitioner has preferred a statutory revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent. The apprehension of the petitioner is that the respondents 3 and 4 may take coercive enforcement action against the petitioner herein pending disposal of the statutory revision. Hence, he prays for an order directing the respondents to maintain status quo till the disposal of the statutory revision.

3. Having regard to the facts narrated in the affidavit filed in support of this writ petition, this Court is inclined to dispose of this writ petition in the following lines :

- i. The 1st respondent is directed to take up 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



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and in accordance with law, within a period of 16 weeks from the date of receipt of a copy of this order.

- ii. Till such time the statutory revision filed by the petitioner is disposed of on merits, the respondents shall not take any coercive action for locking or sealing the premises which is the subject matter of the revision.

4. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
13.06.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

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