



WP.No.16327/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.16327/2024 & WMP.Nos.17873 & 17874/2024

M.Usha

... Petitioner

Vs.

- 1.The Commissioner
Greater Chennai Corporation
Chennai.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority
"Thalamuthu Natarajan Building",
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008.
- 3.The Municipal Commissioner
Tambaram Municipality.
- 4.The Assistant Engineer
Zone 14, Division 186, Puzuthivakkam
Chennai 600 091.



WP.No.16327/2024

5. Assistant Executive Engineer
Zone 14, Unit 42, Puzhuthivakka
Chennai 600 091.

6. The Executive Engineer
Zone 14, Puzhuthivakkam
Chennai 600 091.

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

... Respondents

**R7 suo motu impleaded vide this final order
passed today [21.06.2024]**

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records in the impugned Notice No.14/00114/2024 dated 08.04.2024 passed by respondents 4 to 6 and quash the same.

For Petitioner	: Mr.S.Veeraraghavan
For R1, 4 to 6	: M/s.S.Vanitha Joice Rani Standing counsel
For R2	: Mr.R.Sivakumar, Standing counsel

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1) The present writ petition has been filed seeking to quash the impugned



WP.No.16327/2024

WEB COPY

notice dated 08.04.2024 passed by respondents 4 to 6.

- (2) M/s.S.Vanitha Joice Rani, learned Standing counsel accepts notice on behalf of respondents 1, 4 to 6 and Mr.R.Sivakumar, learned Standing counsel accepts notice on behalf of the 2nd respondent.
- (3) The impugned notice is issued after issuance of the Lock and Seal Notice earlier on 26.02.2024. The petitioner though has not referred to the statutory remedy by way of special revision in terms of Section 80-A of the Town and Country Planning Act, 1971, the learned counsel for the petitioner has now produced before this Court, the Memorandum of Special Revision stated to have been filed by the petitioner on 18.06.2024 as against the impugned notice before the Government.
- (4) Though the petitioner has not impleaded the Principal Secretary to Government, who is the authority to decide the Special Revision filed by the petitioner, the Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai 600 009, is **suo motu** impleaded as the **7th respondent in this writ petition**.
- (5) Since the petitioner has now availed the statutory remedy and this Court



WP.No.16327/2024

WEB COPY

is also convinced that the petitioner has put up the construction pursuant to an approved plan and the deviations are minor, this Court is inclined to pass the following order.

(6)The 7th respondent is directed to consider and dispose of the revision petition stated to have been filed by the petitioner on 18.06.2024 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein. **Till such time the special revision filed by the petitioner is disposed of by the 7th respondent in accordance with law, the respondents shall not initiate any coercive action and are directed to maintain status quo.**

(7)The writ petition stands **disposed of accordingly.** No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [N.S., J.]
21.06.2024

AP

Internet : Yes



WP.No.16327/2024

WEB COPY

To

- 1.The Commissioner
Greater Chennai Corporation
Chennai.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority
"Thalamuthu Natarajan Building",
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008.
- 3.The Municipal Commissioner
Tambaram Municipality.
- 4.The Assistant Engineer
Zone 14, Division 186, Puzuthivakkam
Chennai 600 091.
- 5.Assistant Executive Engineer
Zone 14, Unit 42, Puzhuthivakka
Chennai 600 091.
- 6.The Executive Engineer
Zone 14, Puzhuthivakkam
Chennai 600 091.
- 7.The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009.



WEB COPY



WP.No.16327/2024

S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

AP

WP.No.16327/2024

21.06.2024