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WP.No.16285/2024

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.16285/2024 & WMP.No.17819/2024

Sudha Radhakrishnan

... Petitioner

Vs.

1.The Commissioner
Tambaram Corporation
1, Muthuranga Mudali Street
West Tambaram, Tambaram
Chennai 600 045.

2.Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the 2nd respondent to consider the revised plan application dated 13.06.2024 made by the petitioner in relation to the building in Plot No.6, 7 and 8 admeasuring an total extent of



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6000 sq.ft., comprised in S.No.255/9B, 255/10, 255/11B, 255/12B and 255/13, Zamin Pallavaram Village, presently Alandur Taluk, TS..No.18A, 20A, 34/18-B2 in Block No.49, Ward No.D, Jothi Colony Layout, lying within the sub registration District of Pallavaram and to dispose of the same on merits within such period of time as may be fixed by this Court and to direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the property.

For Petitioner	: Mr.Srinath Sridevan, Senior counsel for Ms.S.Shalini
For R1	: Mr.R.Vigneswaran, GA
For R2	: Mr.R.Sivakumar, Standing counsel

ORDER

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

- (1)Mr.R.Vigneswaran, learned Government Advocate accepts notice on behalf of the 1st respondent and Mr.R.Sivakumar, learned Standing counsel accepts notice on behalf of the 2nd respondent.
- (2)The present writ petition has been filed seeking for issuance of a writ of mandamus to direct the 2nd respondent to consider the revised plan application dated 13.06.2024 made by the petitioner in relation to the building in Plot No.6, 7 and 8 admeasuring an total extent of 6000 sq.ft.,



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comprised in S.No.255/9B, 255/10, 255/11B, 255/12B and 255/13, Zamin Pallavaram Village, presently Alandur Taluk, TS..No.18A, 20A, 34/18-B2 in Block No.49, Ward No.D, Jothi Colony Layout, lying within the sub registration District of Pallavaram and to dispose of the same on merits and to direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the property.

(3)The petitioner states that he is the absolute owner of the above mentioned property and he has put up construction just abutting 200 feet radial road, Pallavaram. It is the case of the petitioner that the construction earlier was divided by a common wall and it is in accordance with the approved plan. Due to change of circumstances and for the convenience of the petitioner, it is stated that the common wall had been removed and the entire construction which was separated by the common wall, has now been converted into a one large building. The petitioner also states that the present building had been leased out to private entrepreneurs for commercial purpose.

(4)The grievance of the petitioner is that the 1st respondent has now issued a notice dated 09.05.2024 under Sections 56 and 57 of the Town and



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Country Planning Act, 1971 for locking and sealing the premises on the premise that the alternation is not authorised. The petitioner has also applied for revised plan of the existing building plan on 13.06.2024.

(5)The submission of the learned Senior Counsel appearing for the petitioner is that till such time the petitioner's application for revised plan is considered and disposed of by the respondents, the respondents may be directed, not to initiate any coercive action against the petitioner's premises.

(6)The learned Standing counsel appearing for the 2nd respondent has no serious objections.

(7)Having regard to the limited scope of prayer and the facts are not in issue, this Court is inclined to pass the following order.

(8)The 2nd respondent shall consider the revised plan application submitted by the petitioner for the existing building on merits and in accordance with law and pass orders on the same within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity to the petitioner and communicate the decision taken, to the petitioner herein. It is made clear that even if any deviation is pointed



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out, the petitioner may be given sufficient time to rectify the same. **Till such time the petitioner's application for revised plan is considered and disposed of on merits, the respondents shall not initiate any coercive action.**

(9)The writ petition stands **disposed of** accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

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

AP

Internet : Yes

To

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