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W.P.No.18336 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.18336 of 2024 and
W.M.P.Nos.20143 & 20145 of 2024

1. Aashish P.Gandhi
 2. Sahil P.Gandhi
- Petitioners

...

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
3. The Executive Engineer,
Zone-5,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from in any way interfering with the petitioners' premises at Old No.178, New No.413, Mint Street, Sowcarpet, Chennai-600 079, more particularly, by way of locking, sealing and demolition of the



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same, pending final determination of petitioners' Special Revision and Stay petition dated 21.06.2024 filed under Section 80(A) and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

For Petitioners : Mrs.N.R.Jasmine Padma
For R1 : Mr.M.R.Gokul Krishnan
Addl. Govt. Pleader
For R2 & R3 : Mr.S.Gopinathan
Standing Counsel

ORDER

(By D.Krishnakumar,J.)

This Writ Petition has been filed, seeking to forbear the respondents 2 and 3 from in any way interfering with the petitioners' premises at Old No.178, New No.413, Mint Street, Sowcarpet, Chennai-600 079, more particularly, by way of locking, sealing and demolition of the same, pending final determination of petitioners' Special Revision and Stay petition dated 21.06.2024 filed under Section 80(A) and 80-A(3) of the Tamil Nadu Town and Country Planning Act with the 1st respondent.

2. Mr.M.R.Gokul Krishnan, learned Additional Government Pleader takes notice for R1 and Mr.S.Gopinathan, learned Standing Counsel for R2 & R3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioners is that the petitioners purchased the subject matter of the property by virtue of a sale deed dated 22.06.1977 and constructed a



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residential-cum-commercial building. The petitioners also obtained water and sewerage and electricity connections in respect of the property. It is further case of the petitioners that since the said property is in dilapidated condition, they decided to rectify the defects in the building and internal works were carried on by them. The Official of the 3rd respondent visited the building and after inspection, issued show cause notice dated 02.04.2024 to the petitioners for production of the planning approval and other related documents for the construction works. It is also the case of the petitioners that despite production of documents, the 3rd respondent issued the lock and seal notice to them on 10.06.2024, with an instruction to restore the building within 30 days. In the said notice, the door number has been wrongly mentioned as 171 in lieu of 178, due to which, the petitioners made a Special Revision Petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 21.06.2024 along with a stay petition under Section 80-A(3) of the said Act, indicating the aforementioned discrepancy as a ground and the same is pending before R1.

4. Learned Additional Government Pleader appearing for the 1st respondent has not refuted the submission of the petitioners with regard to the pendency of the Special Revision Petition before the Government. He has stated that if any direction is issued by this Court in this petition, that would be adhered to by the Government, while



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disposing of the Special Revision Petition. He has also stated that a reasonable time may be granted to the 1st respondent for passing appropriate orders on the revision petition.

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5. Taking note of the fact that a Special Revision Petition dated 21.06.2024, is pending with the 1st Respondent, this Court, without going into the merits of the matter, directs the 1st respondent to pass appropriate orders on the Special Revision Petition dated 21.06.2024 filed by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 , on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action in respect of the property of the petitioners in question.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

[K.B., J]

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Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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- To:
1. The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
 2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
 3. The Executive Engineer,
Zone-5,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.

D.KRISHNAKUMAR,J.,



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