



W.P.No.18665 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.18665 of 2024

and

W.M.P.No.20470 of 2024

Ashok Prabahar Raja A.P.

... Petitioner

Vs.

- 1.The Secretary to the Government of Tamil Nadu,
Housing Board and Urban Development,
Fort St. George, Chennai – 600 009.
- 2.The Greater Chennai Corporation,
Represented by its Commissioner,
Rippon Building, Chennai – 600 003.
- 3.The Assistant Engineer,
The Greater Chennai Corporation
Division No.186,
No.10, Panchayat Road,
Perungudi, Chennai – 96.



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4. The Assistant Executive Engineer,
The Greater Chennai Corporation,
Unit 42, Door No.6/64,
Puzhuthivakkam Main Road,
Chennai – 600 091.

5. The Executive Engineer,
The Greater Chennai Corporation,
Zone-14, Door No.6/64,
Puzhuthivakkam Main Road,
Chennai – 600 091.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to conduct enquiry on the petitioner's appeal received and acknowledged on 24.06.2024 in Reference Letter No.14/00116/2024 against the Lock & Seal and Demolition Notice No.14/00250/2024 dated 26.02.2024 and De-Occupation Notice letter No.14/00116/2024 dated 08.04.2024, issued by the respondents 3 to 5, pertaining to the property situated at Ganesh Park, Flat G3, Door No.21, Kalaimagal Street, Puzhithivakkam, Chennai – 600 091, within the time frame fixed by this Court.

For Petitioner	:	Mr.S.Arivazhagan
For R1	:	Mr.M.R.Gokul Krishnan Additional Government Pleader
For R2 to R5	:	Mr.P.Prithvi Chopda



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Standing Counsel

ORDER

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

This writ petition is filed for issuance of a direction to dispose of the Special Revision stated to have been filed before the 1st respondent as against the Lock & Seal and Demolition notice dated 26.02.2024.

2.The petitioner states that he purchased a flat in Ganesh Park in Ground Floor bearing Door No.21, Kalaimagal Street, Puzhuthivakkam, Chennai, in the year 2012, from the previous owner. However, the respondents 2 to 5 have issued Lock and Seal and Demolition Notice, dated 26.02.2024, stating that there are some deviations and violations. The respondents thereafter issued De-Occupation Notice dated 08.04.2024 under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. The petitioner states that he has preferred a Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act. Though the receipt of memorandum of revision was acknowledged, the grievance of the petitioner is that the respondents are trying to enforce the order of



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demolition, pursuant to the Demolition and De-Occupation Notice.

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3.Since the petitioner has availed the statutory remedy of Special Revision before the 1st respondent, this Court is inclined to pass the following order :

- i. The 1st respondent is directed to conduct an enquiry on the petitioner's Special Revision/Appeal as against the Lock & Seal and Demolition Notice dated 26.02.2024 as well the De-Occupation Notice dated 08.04.2024, on merits and in accordance with law, and pass appropriate orders, within a period of sixteen weeks from the date of receipt of a copy of this order.
- ii. Till such time the Special Revision is disposed of by the 1st respondent on merits and the decision is communicated to the petitioner, the respondents are directed to maintain status *quo*. There shall not be any enforcement action till the disposal of the Special Revision.



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4. With these directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
08.07.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Secretary to the Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.
3. The Assistant Engineer,
Greater Chennai Corporation
Division No.186,
No.10, Panchayat Road,
Perungudi, Chennai – 96.
4. The Assistant Executive Engineer,
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N. SENTHILKUMAR, J.

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5.The Executive Engineer,
Greater Chennai Corporation,
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