



WEB COPY



W.P.Nos.21634 & 21637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.21634 & 21637 of 2024

Mr.Aravind Kumar
S/o K.Muniyandi .. Petitioner in WP.21634/2024

Mr.V.Sekar .. Petitioner in WP.21637/2024

v.

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development
Secretariat, Chennai 600 009
2. The Chennai Metropolitan Development Authority
represented by its Member Secretary
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
3. The Corporation of Chennai
represented by its Commissioner
Rippon Buildings
No.1131, EVR Periyar Salai
Park Town, Chennai 600 003



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4. The Executive Engineer, Zone XIII
Corporation of Chennai
Adyar, Chennai 600 020

5. The Assistant Engineer, Zone XIII.Div.174
Corporation of Chennai
Adyar, Chennai 600 020

6. The Assistant Executive Engineer
Zone IX-Unit 38
Corporation of Chennai
Adyar, Chennai 600 020

7. Y.Ganesh

8. Y.Jeeva

.. Respondents in both the W.P's

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioners' revision filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 14.06.2024 within a specific time frame as fixed by this Hon'ble Court and further direct the respondents 4 to 6 not to proceed with their Letter No.13/00149/2024 dated 07.06.2024, pending the revisions dated 14.06.2024 before the first respondent.

For Petitioners :: Mr.J.Rajesh

For Respondents :: Mr.M.R.Gokulkrishnan
Addl. Government Pleader for R1
Mr.R.Thamaraiselvan
Standing Counsel for R2
Mrs.P.T.Ramadevi
Standing Counsel for R3 to R6

COMMON ORDER

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



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These writ petitions are filed by the petitioners for issuance of a mandamus to the first respondent to consider the petitioners' revision petitions filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 14.06.2024 within a specific time frame as fixed by this Hon'ble Court and further direct the respondents 4 to 6 not to proceed with their Letter No.13/00149/2024 dated 07.06.2024, pending the revision petitions dated 14.06.2024 before the first respondent.

2. It is the case of petitioners that they are the tenants of the building situate at Block No.M4/2, Old No.18, New No.9/2, Ground Floor, Besant Nagar, Fourth Main Road, Chennai jointly owned by the respondents 7 & 8, who are in abroad. It is the case of petitioners that the building was constructed by Tamil Nadu Housing Board in the year 1970 and the landlords purchased the ground floor portion by a registered sale deed dated 04.09.2019. Now the petitioners are running juice/tattoo shop in the ground floor from September, 2020 to till date. It is further stated that there was no additional construction made in the said building, as the landlords have only



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refurbished the rest room area and erected a temporary aerocon panel partition. While so, all of a sudden, the respondents 4 to 6 have issued the impugned lock and seal and demolition notice dated 07.06.2024 citing unauthorised/deviated construction with a direction to the petitioners to restore the land to its original condition within 30 days from the date of receipt of the notice.

3. The learned counsel appearing for the petitioners submitted that as against the impugned lock & seal and demolition notice, the petitioners have preferred revision petitions under Section 80-A of the Tamil Nadu Town and Country Planning Act before the first respondent and the same are pending. Hence, the learned counsel prays for an order directing the respondents to maintain status quo till the disposal of the statutory revision petitions filed by the petitioners.

4. Having regard to the consistent view taken by this Court in identical matters for early disposal of the revision by the Government and to maintain status quo in the meanwhile, the first respondent is hereby directed



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to dispose of the revision petitions filed by the petitioners under Section 80A of the Town and Country Planning Act on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order. Till such time orders are passed in the revision petitions and communicated to the petitioners, the respondents are directed to maintain status quo. With this direction, the writ petitions are disposed of. Consequently, W.M.P.Nos.23612 & 23615 of 2024 are closed. No costs.

Index : yes/no
Neutral citation : yes/no
ss

(S.S.S.R.,J.) (N.S.,J.)
02.08.2024

To

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2. The Member Secretary
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