



W.P.No.24

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.24342 of 2024 and
W.M.P.No.26596 of 2024

R.Nallamani

... Petitioner

-VS-

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-9.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
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 a Writ of Mandamus, directing the 1st respondent to dispose the appeal filed by the petitioner under Section 133-A(6) of the Town and Country Planning Act, 1971 dated 08.02.2023 and till such time not to effect the De-Occupation Notice issued in Letter No.EC/NI/8598/2019 dated 14.08.2024 on the file of the 2nd respondent.

For Petitioner	:	Mr.S.Doraisamy
For R1	:	Mr.A.Edwin Prabakar
		State Govt. Pleader
For R2	:	Mr.R.Thamarai Selvan, Standing Counsel



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ORDER

(By the Hon'ble Acting Chief Justice)

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This Writ Petition has been filed for a direction to the 1st respondent to dispose the appeal filed by the petitioner under Section 133-A(6) of the Town and Country Planning Act, 1971 dated 08.02.2023 and till such time not to effect the De-Occupation Notice issued in Letter No.EC/NI/8598/2019 dated 14.08.2024 on the file of the 2nd respondent.

2. When the matter is taken up for hearing, learned counsel for the petitioner brought to the notice of this Court that though this Court issued an interim direction to the respondents not to take any coercive action as against the petitioner on 20.08.2024, the 2nd respondent had sealed the building at 8:00am itself on the same day, ignoring the fact that the case was listed for hearing on the said date.

3. In our considered opinion, the act of the 2nd respondent / CMDA is highly deprecated, as nobody brought to our attention about the sealing of the building on 20.08.2024, as a result of which, an interim order was passed by us. Moreover, it is a routine practice adopted by the CMDA that no one is representing at the admission stage, pursuant to which, the actual scenario is not known to this Court.

4. Be that as it may, considering the limited scope of the relief sought for by



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the petitioner, we direct the 1st respondent to dispose of the appeal filed by the petitioner under Section 133-A(6) of the Town and Country Planning Act, 1971 dated 08.02.2023 within a period of four weeks from the date of receipt of a copy of this order and the petitioner shall cooperate for early disposal of the appeal.

5. With the above direction, this Writ Petition is disposed of, with a cost of Rs.5,000/- (Rupees Five Thousand only) payable by the CMDA / R2 to the petitioner within two weeks from the date of receipt of a copy of this order, for the failure on the part of the CMDA in not bringing to the notice of this Court about sealing of the building even before the matter was taken up for hearing on 20.08.2024. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.]

[P.B.B,J.]

27.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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HON'BLE ACTING CHIEF JUSTICE,



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AND
P.B.BALAJI,J.,
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To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai-9.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
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