



W.P.No.26469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.26469 of 2024

and

W.M.P.No.28931 of 2024

K.Mohan

... Petitioner

Vs.

- 1.The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Fort St George, Secretariat
Chennai 600 009.
- 2.The Principal Secretary/Commissioner
Greater Chennai Corporation
Rippon Building, Chennai 600 003.
- 3.Executive Engineer
Zone 10, Greater Chennai Corporation
No.117, NSK Salai, Kodambakkam
Chennai 600 024.
- 4.The Assistant Executive Engineer
Division 128, Greater Chennai Corporation



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No.117, NSK Salai, Kodambakkam
Chennai 600 024.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from taking any coercive action against the petitioner's building located at No.29/16 Swarnabigai Nagar, Virugambakkam, Chennai 600 092 pending disposal of the appeal dated 11.03.2024 filed by the petitioner under Section 80-A of Town and Country Planning Act before the respondents herein.

For Petitioner	:	Mr.Louisal Ramesh
For R1&R2	:	Mr.M.Habeeb Rahman,GA
For RR 3 &4	:	Mr.Arun Babu
		Standing Counsel

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus forbearing the respondents from taking any coercive steps against the petitioner's building located at No.29/16 Swarnabigai Nagar, Virugambakkam, Chennai 600 092 pending disposal of the appeal dated 11.03.2024 filed by the petitioner under Section 80-A of Town and Country Planning Act before the respondents herein.



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2.As against the final notice dated 19.08.2024 under Sections 57 and 58 read with other provisions of Town and Country Planning Act, the petitioner states that a statutory revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, is preferred by the petitioner, before the 1st respondent. The apprehension of the petitioner is that the respondents are likely to take coercive enforcement action pursuant to the notice dated 19.08.2024 against the petitioner herein, pending disposal of the statutory revision. Hence, the learned Counsel appearing for the petitioner prays for an order directing the respondents to maintain status *quo* till the disposal of the statutory revision filed by the petitioner.

3.This Court, in similar circumstances, have passed orders for early disposal of the revision by the Government and to maintain status *quo* in the meanwhile. Having regard to the consistent view taken by this Court, we are inclined to issue the following directions :

- i. The 1st respondent is directed to consider and dispose of the statutory revision, stated to have been filed by the petitioner, under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, and



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pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of sixteen weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

- ii. Till such time the petitioner's revision petition is disposed of by the 1st respondent on merits and the order is communicated to the petitioner, the respondents are directed to maintain status *quo*.

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.)
06.09.2024

AP

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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