



WEB COPY



W.P.No.28090 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM :

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

and

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.28090 of 2024 and

WMP No.30644 of 2024

1. T.A.Sheshambal
2. Anup Kumar
3. Amudhan
4. Parthiban
5. Ramkumar

... Petitioners

Vs.

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Executive Engineer, Zone-VIII,
Greater Chennai Corporation,
Second Street East, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking issuance of a writ of mandamus, forbearing the second respondent from initiating any coercive action pursuant to the impugned de-occupation notice dated 03.09.2024 issued under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act 1971 till the disposal of the Special Revision Petition, dated 06.09.2024 filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 pending before the first respondent.

For Petitioners : Mr.K.Sivasubramanian

For Respondents : Mr.A.Edwin Prabakar, State Govt. Pleader
for first respondent
Mrs.Aswini Devi, Standing Counsel for R2

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The petitioner has filed the instant writ petition to forbear the second respondent from initiating any coercive action pursuant to the impugned de-occupation notice dated 03.09.2024 issued under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act 1971 till the disposal of the Special Revision Petition, dated 06.09.2024 filed under Section 80(A) of the



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Tamil Nadu Town and Country Planning Act, 1971 pending before the first respondent with respect to the premises at 127, Panchaliamman Koil Street, Arumbakkam, Chennai 600 106.

2. According to the petitioners, they are the tenants of flats bearing door Nos.A-402, B-201, C-403, B-101, A-103 at 127, Panchaliamman Koil Street, Arumbakkam, Chennai, under the tenancy agreements entered into between them and the owner of the property. The second respondent issued the said notice dated 03.09.2024 to the owner of the premises to de-occupy the property, within 3 days. Hence, the petitioners preferred Special Revision Petition before the first respondent under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on 06.09.2024. However, without considering the pendency of the revision before the first respondent, the second respondent is trying to lock and seal the petitioners' premises. Hence this writ petition.

3. The learned State Government Pleader informed before this Court that the petitioners are the tenants in the subject matter of the property. He



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further submitted that in an earlier round of litigation, the owner of the subject matter of the property has filed a Revision petition under Section 80-A of the Tamil Nadu Country Planning Act and the same is pending before the first respondent. It is also contended by him that, the petitioners being the tenants of the property, have no right to challenge the said de-occupation notice. Further he submitted that the revision petition filed by the owner of the property will be disposed of by the authorities concerned, within a week time.

4. In consideration with the submission made by the learned State Government Pleader that as against the de-occupation notice, a revision, under Section 80-A of the Tamil Nadu Country Planning Act has been filed by the owner of the subject matter of property and is pending before the first respondent, without expressing any opinion on merits, we inclined to dispose of the writ petition.

5. Accordingly, ***the first respondent is directed to dispose of the revision petition filed by the owner of the property in accordance with***



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law, within ten days from today, after providing opportunity of hearing to all the interested parties.

6. With the above direction, this writ petition is disposed. There shall be no order as to costs. Connected WMP No.30644 of 2024 is closed.

(D.K.K., A.CJ.)

(M.J.R.J.)

25.09.2024
(1/2)

Note: Issue order copy on 26.09.2024

Internet: Yes/No

Index : Yes/No

mst

To

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Executive Engineer, Zone-VIII,
Greater Chennai Corporation,
Second Street East, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.



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M.JOTHIRAMAN, J.

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(1/2)**