



WEB COPY

W.P.No.34507 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

W.P.No.34507 of 2024
and W.M.P.Nos.37406 & 37407 of 2024

1.Mrs.Nusrath Abidha

2.Mrs.Jaufer Aysha Beevi

3.Mrs.Vijayalakshmi

4.Mr.Ajmal Deen

5.Mr.Thirunavukarasu

... Petitioners

Vs.

1.The Commissioner and Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.

3.The Executive Engineer,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.

4.The Assistant Engineer,
Division – 133,
Thyagaraya Nagar,
Chennai – 600 017.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,



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praying to issue a Writ of Mandamus, directing the 1st respondent herein to dispose of the statutory appeal dated 12.09.2024 filed by petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, challenging the aforesaid Notice No.020 dated 28.08.2024 issued by 3rd and 4th respondents herein, till such time forbearing the 2nd, 3rd and 4th respondents from taking any coercive action in pursuant to the said Notice No.020 dated 28.08.2024 issued by 3rd and 4th respondents herein.

For Petitioners : Mr.S.Haja Mohideen Gisthi
For R1 : Mr.P.Balathandayutham,
Special Government Pleader
For R2 & R3 : Mr.D.B.R.Prabhu,
Standing Counsel

ORDER

(Order of the Court was made by *R.SUBRAMANIAN, J.*)

It is the grievance of the petitioners that despite pendency of the appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act'), the respondents 3 and 4 have issued a notice directing locking and sealing of the premises and are pursuing action under the provisions of the Act.



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2. Admittedly, the order dated 28.08.2024 has been challenged by the first petitioner in the appeal under Section 80-A of the Act. If further proceedings are allowed pending the appeal, the rights of the petitioners will be prejudiced, if the first petitioner is to succeed in the appeal.

3. Accordingly, the Writ Petition stands disposed of, with a direction to the first respondent to dispose of the appeal, within a period of four (4) months from the date of receipt of a copy of this order. Till such time, no coercive action shall be taken. No costs. Connected miscellaneous petitions are closed.

[R.S.M., J] [C.K., J]

26.11.2024

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes

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W.P.No.34507 of 2024

R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

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To

1.The Commissioner and Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.

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