



W.P.No.2270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2270 of 2024

and

W.M.P.No.2533 of 2024

R.Karthikeyan

... Petitioner

Vs.

- 1.The State represented by
The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Chennai.
- 3.The Executive Engineer,
Zone VI, Strahans Road, Thiru-Vi-Ka Nagar,
Chennai – 600 012.



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4.The Assistant Executive Engineer,
Unit 17, Zone VI, Strahans Road,
Thiru-Vi-Ka Nagar,
Chennai – 600 012.

5.The Assistant Engineer,
Division 78, Unit 17, Zone VI,
Strahans Road,
Thiru-Vi-Ka Nagar,
Chennai – 600 012.

6.K.Savithiri

... 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 take up and dispose of the stay petition filed in statutory revision under Section 80-A of the Tamil Nadu Town and Country Planning Act vide acknowledgment dated 19.12.2023 preferred against impugned notice dated 18.10.2023 bearing Notice No.DN 78/U-17/9/23 issued for Lock and Seal and Demolition.

For Petitioner	:	Mr.P.Settu for Mr.A.Shyam Ganesh
For R1	:	Mrs.S.Anitha Special Government Pleader
For R2 to R5	:	Mr.D.B.R.Prabhu Standing Counsel



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ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to take up and dispose of the stay petition filed in statutory revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, preferred against impugned notice dated 18.10.2023 issued for Lock and Seal and Demolition.

2.The petitioner states that he is an Advocate and he is a tenant in respect of the subject property, where he is running his office. The building is in Choolai High Road, Choolai, Chennai. The petitioner is served with a notice under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, requiring locking, sealing and demolition of the building put up by the petitioner, stating that the said construction is unauthorised. The petitioner states that the construction is not in respect of the full extent that was mentioned in the notice. Raising several other grounds, the petitioner has preferred a statutory revision



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before the 1st respondent in terms of Section 80-A of the Tamil Nadu Town and Country Planning Act. Stating that the respondents may take coercive action during the pendency of the revision, the petitioner has now come forward with the above writ petition seeking for disposal of the stay application.

3. Having regard to the facts narrated in the affidavit filed in support of this writ petition, this Court is inclined to dispose of this writ petition in the following lines :

- i. The 1st respondent is directed to take up 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, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.
- ii. Till such time the statutory revision filed by the petitioner is disposed of on merits, the respondents shall not take any coercive action in locking or sealing the premises which is the subject matter of the revision.



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(S.S.S.R., J.) (N.S., J.)
02.02.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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