



WP No.29699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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1.Dr.A.Pandurangan
2.Mrs.V.Ramani Pandurangan : Petitioners

versus

- 1.The Additional Chief Secretary/Commissioner,
Greater Chennai Corporation,
Chennai-600 003.
- 2.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai-9.
- 3.The Executive Engineer-II,
Zone-13, Greater Chennai Corporation,
Adyar, Chennai-600020.



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4.The Assistant Executive Engineer,
Unit-40(A), Greater Chennai Corporation,
Adyar, Chennai-600020.

5.The Assistant Engineer,
Division-175, Greater Chennai Corporation,
Adyar, Chennai-600020.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari to call for the records pertaining to the Notice No:Div/175/005/2024 date 23.09.2024, on the file of respondents 3 to 5 and quash the same as illegal and contrary to the provisions of Town and Country Planning Act, 1971 and consequently direct the respondents 3 to 5 to pass orders on the petitioners application dated 23.09.2024 towards regularization of the Building situated at Plot No.R-43, TNHB Colony 7th Street, Velacherry, Chennai-600 042.

For the Petitioners : AR.M.Arunachalam

For the Respondents : Mrs.P.T.Ramadevi
Standing Counsel for Corporation
Mrs.V.Yamunadevi
Special Government Pleader
for second respondent



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ORDER

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(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

This writ petition is filed challenging the de-occupation notice No:Div/175/005/2024 dated 23.09.2024 issued under Sections 56 and 57 read with Section 85 of the Town and Country Planning Act, 1971, on the file of respondents 3 to 5 and consequently direct respondents 3 to 5 to pass orders on the petitioners' application dated 23.09.2024 towards regularization of the building situated at Plot No.R-43, TNHB Colony, 7th Street, Velacherry, Chennai-600 042.

2. Learned counsel for the petitioner drew the attention of this Court to the Government letter dated 10.05.2024, wherein in paragraph No. 7, it is stated as follows:

"Greater Chennai Corporation shall issue revised Lock & Seal and Demolition notice indicating the existence of cell phone tower in the petitioner plot no.R43 within 10 days.

Three months time is granted to the revision petitioners from the date of issue of revised Lock & Seal and Demolition notice to rectify the deviations in the building and to



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obtain necessary approval for the rectified building and covering the existing Telecommunication tower as per Tamil Nadu Combined Development and Building Rules, 2019.

Till such time there shall be a stay on further enforcement action against the petitioners building.

On expiry of the time granted, Greater Chennai Corporation shall proceed to take further enforcement action, as per the provisions in Tamil Nadu Town and Country Planning Act, 1971, if the petitioner failed to comply the above directions within the time specified.

The objector may filed a separate representation to Chennai Metropolitan Development Authority for taking action against the unauthorised layout/subdivision of plot R79 allotted by Tamil Nadu Housing Board (TNHB)"

3. Learned counsel for the petitioner further submits that lock and seal notice was received by the petitioner on 21.08.2024. Therefore, as per the aforesaid Government letter, three months' time is granted to the petitioner to rectify the deviations in the building in question and the said period expires on 20.11.2024. However, now steps are being taken by the authority concerned to lock and seal the property in question and to de-occupy the same, which is contrary to the said letter of the Government.



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Further, the petitioner has also filed an application dated 23.09.2024, seeking three months' time to get approval of the revised plan. The revised plan was submitted by the petitioner to the respondent authority on 22.09.2024, seeking to approve the same.

4. Learned counsel for the respondent Corporation submits that the third respondent is the competent authority to consider the revised planning permission and the same will be considered at the earliest.

5. It is seen that though notice was served under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, three months' time was also granted to the petitioner to rectify the deviations in the building and to obtain necessary approval for the rectified building and covering the existing telecommunication tower as per the Tamil Nadu Combined Development and Building Rules, 2019, from the date of service of the de-occupation notice to the petitioner herein, as per the aforesaid Government letter. The period expires on 20.11.2024. Considering the aforesaid Government letter, the respondent authorities shall not proceed with the impugned order till



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20.11.2024 as per the order of the Government. Till such time, the impugned order passed by the Corporation shall be kept in abeyance.

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6. With the above directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.32350 and 32355 of 2024 are closed.

[D.K.K., J.] [P.B.B., J.]
04.10.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

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