



W.P. No.30279 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.B. BALAJI
and
THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN

W.P. No.30279 of 2024 and W.M.P. No.32958 of 2024

S.Shanmuga Sundari

Petitioner

v

- 1 State of Tamil Nadu
represented by its Secretary to Government
Housing & Urban Development Department
Secretariat
Chennai 600 009
- 2 The Commissioner
Greater Corporation of Chennai
Ripon Buildings
Chennai 600 003
- 3 The Executive Engineer, Zone 11
Greater Chennai Corporation
No.33, Arcot Road
Bhuvaneshwari Nagar
Valasarawakkam
Chennai 600 087
- 4 The Assistant Executive Engineer
Unit – 32, Greater Chennai Corporation
Poonamallee High Road
Maduravoyal
Near Yerikkarai Bus Stop, Chennai 600 095



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The Assistant Engineer
Division No.147, Greater Chennai Corporation
Poonamallee High Road
Maduravoyal
Near Yerikkarai Bus Stop
Chennai 600 095

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents 2 to 5 and their men, agents and subordinates from in any manner, taking any coercive action, including locking and sealing of the petitioner's house building bearing Plot Nos.4A and 4B measuring 487.5 sq. ft. at Door No.90/188, Perumal Koil Street comprised in Survey No.424/1, Maduravoyal Madura Alapakkam Village, Ambattur Taluk, Tiruvallur District, till the finalisation of the appeal petition dated 03.10.2024 (filed on 04.10.2024) filed under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) pending on the file of the first respondent.

For petitioner	Mr. I. Murugan
For R1	Mr. P. Balathandayutham Special Government Pleader
For RR 2 to 5	Mrs. S. Vanitha Joice Rani Standing Counsel

ORDER

(Made by P.B. BALAJI, J.)

With the consent of the learned counsel on either side, this writ petition is taken up for final disposal at the admission stage itself.



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This writ petition has been filed seeking a writ of mandamus forbearing the respondents 2 to 5 from taking any coercive action, including locking and sealing of the petitioner's premises at Plot Nos.4A and 4B, measuring 487.50 sq. ft. at Door No.90/188, Perumal Koil Street, comprised in S.No.424/1, Maduravoyal Madurai Alapakkam Village, Ambattur Taluk, Tiruvallur District, pending finalisation of the petitioner's appeal petition dated 03.10.2024 (filed on 04.10.2024) under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971.

3. The petitioner purchased the property in question in November 2013 and obtained planning permission to construct ground floor and first floor on 29.03.2023. Lock and seal notice was issued on 16.12.2023 under Section 85, *ibid.* complaining of deviations from the approved plan. The petitioner filed a revised building plan on 20.12.2023. However, de-occupation notice was issued on 23.01.2024. The first respondent passed an order dated 08.04.2024 in the revision petition filed by the petitioner under Section 80-A(3), *ibid.* granting 3 months time to the petitioner to



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comply with the defects and to restore the building in consonance with the approved plan. On 15.07.2024, time granted to the petitioner for rectification of defects was extended till 08.10.2024. In the meantime, the second respondent has rejected the revised plan filed by the petitioner on 27.09.2024. Challenging the said rejection order passed by the second respondent, the petitioner filed an appeal under Section 79, *ibid.*, along with an application for stay on 04.10.2024. Admittedly, the said appeal preferred by the petitioner is pending.

4. Considering the nature of the relief sought by the petitioner, the first respondent is directed to dispose of the petitioner's appeal filed under Section 79, *ibid.* within a period of eight weeks from today. It is made clear that till such time, no coercive steps shall be taken by the respondents.

With the above directions, this writ petition stands disposed of. No costs. Connected W.M.P. stands closed.

(P.B.B., J.) (G.A.M., J.)
09.10.2024

Index : Yes/No
Neutral Citation : Yes/No
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