



W.P.Nos.32630, 32633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P.Nos.32630, 32633 of 2024 and
WMP No.35476 of 2024

1. Dr.A.Manimaran
2. Dr.Sugandha Priya

...Petitioners in
W.P.No32630 of 2024

Dr.Sugandha Priya

... Petitioner in
W.P.No.32633 of 2024

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Office of Secretariat, Chennai-9.
2. The Commissioner,
Greater Corporation of Chennai,
Park Town, Chennai 600 003.
3. The Executive Engineer, Zone-1, Unit-3,
Greater Corporation of Chennai,
Thiruvottiur, Chennai 600 019.
4. The Assistant Executive Engineer, Zone-1, Unit-3,
Greater Corporation of Chennai,
Thiruvottiur, Chennai 600 019.



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5. The Assistant Engineer, Zone-1, Unit-3,
Greater Corporation of Chennai,
Thiruvottiyur, Chennai 600 019.

... Respondents

PRAYER in W.P.Nos.32630 and 32633 of 2024: Writ Petitions filed under Article 226 of Constitution of India to issue a writ of mandamus, directing the respondents 2 to 5 from taking any coercive action, till such time the Special Revision Petition under Section 80A before the first respondent is fully decided.

In both writ petitions

For Petitioners : Mr.N.R.Jasmine Padma

For Respondents : Mr.M.Habeeb Rahman,
Govt. Advocate for first respondent

Mr.G.T.Subramanian, standing counsel
for respondents 2 to 5.

COMMON ORDER

(Order of the Court was delivered by **D.KRISHNA KUMAR, J.**)

Both the writ petitions have been filed to direct the respondents 2 to 5 from taking any coercive action, till the Special Revision Petition filed by the petitioners under Section 80A is decided by the first respondent.



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2. The petitioners in both the writ petitions are husband and wife and it is their contention that they have jointly purchased the subject matter of the property, vide sale deed No.10777/2021 and after getting approved building plan from the Greater Corporation of Chennai, vide order dated 06.02.2023, they started construction. In such circumstances, the respondents 3 to 5 had issued stop work notice, dated 18.06.2024 under Section 56(1) and 57 r/w Section 85 of the Tamil Nadu Country Planning Act, 1971. After issuance the said notice, they preferred an appeal before the first respondent under Section 80A of the Act and the same is pending. However, the respondents 3 to 5 had issued lock and seal notice dated 16.10.2024. As such the petitioners are before this court by way of filing the present writ petitions.

3. Learned counsel for the petitioners submitted that the first respondent may be directed to pass appropriate orders on the appeal after affording an opportunity of hearing to the petitioners and till the disposal of the appeal, the respondents may be directed not to take any coercive action against the petitioners. On behalf of the petitioners, he also



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undertakes that the petitioners will not proceed the construction till the disposal of the appeal.

4. Learned Government Advocate appearing on behalf of the first respondent submits that the appeal filed by the petitioners shall be disposed of by the first respondent within four weeks, after affording an opportunity of hearing to the petitioners.

5. In the light of the submissions made, we dispose of the writ petitions with the following directions:

- i. The first respondent is directed to dispose of the appeal dated 22.08.2024 filed by the petitioners under Section 80A of the Tamil Nadu Country Planning Act, 1971, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioners;
- ii. Till the disposal of the appeal, the respondents/ Corporation shall not take any coercive steps as against the property of the petitioner.



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- iii. The petitioners shall not proceed the construction work till the disposal of the appeal filed by them before the first respondent.

There shall be no order as to costs. Consequently, W.M.P.No.35476 of 2024 is closed.

(D.K.K, J.) (P.B.B., J.)
30.10.2024

Internet: Yes/no
Index : Yes/No
mst

To

1. The Secretary to Government,
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Office of Secretariat, Chennai-9.
2. The Commissioner,
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3. The Executive Engineer, Zone-1, Unit-3,
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