



W.P.No.34389 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.34389 of 2022

1. D.Santhakumar

2. S.Indira

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Petitioners

v.

1. Government of Tamil Nadu

rep by Secretary to Government

Housing & Urban Development Department

Fort St.George

Chennai 600 009

2. Chennai Metropolitan Development Authority

rep by Member Secretary

No.1, Gandhi Irwin Road

Egmore

Chennai 600 008

3. Greater Chennai Corporation

rep by its Executive Engineer

Zone VIII, No.36 B, Pulla Avenue

Shenoy Nagar

Chennai 600 030

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Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in their office Letter No.7713/UD-VI(2)/2021-5, dated 26.05.2022 passed in the petitioner's special revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 relating to the 2nd petitioner's building at door no.01A/27 Kumaraswamy Nagar, Main Road, Villivakkam, Chennai 600 049 and quash the same and consequently forbearing the 3rd respondent from in any way interfering with the petitioner's aforesaid premises particularly locking, sealing and demolition of any portion or portions thereof pending final determination of petitioner's application under section 113C of the Tamil Nadu Town and Country Planning Act, dated 10.05.2021 with the 2nd respondent.

For Petitioners :: Mr.D.S.Rajasekaran

For Respondents :: Mrs.V.Yamuna Devi
Special Government Pleader for R1
Mr.D.B.R.Prabhu
Standing Counsel for R3
R2-No appearance

ORDER

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

This writ petition is filed for issuance of a writ of certiorarified mandamus, calling for the records of the 1st respondent in their office Letter



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No.7713/UD-VI(2)/2021-5, dated 26.05.2022 passed in the first petitioner's special revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act 1971 relating to the 2nd petitioner's building at Door No.01A/27, Kumaraswamy Nagar, Main Road, Villivakkam, Chennai and quash the same and to consequently forbear the 3rd respondent from in any way interfering with the petitioners' aforesaid premises particularly locking, sealing and demolition of any portion or portions thereof pending final determination of second petitioner's application under section 113-C of the Tamil Nadu Town and Country Planning Act, dated 10.05.2021 with the 2nd respondent.

2. The learned counsel appearing for the petitioners states that the second petitioner has filed an application under Section 113-C of the Tamil Nadu Town and Country Planning Act dated 10.05.2021 and the same is pending with the second respondent. In such circumstances, the learned counsel pointed out that the Hon'ble First Bench has disposed of a similar writ petition with an observation that after the orders are passed by the Hon'ble Supreme Court and the petitioners have any remedy open, they are



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entitled to agitate the same afresh. It was further observed that all the contentions raised by the petitioners are kept open. The Division Bench also gave liberty to the parties to take steps pursuant to the judgment of the Hon'ble Supreme Court. In view of the same, the learned counsel requested this Court to pass a similar order so that the status quo as on date shall be maintained by the respondents.

3. Since the issue is pending before the Hon'ble Supreme Court, the learned counsels representing the respondents have no objection for passing a similar order in the present case.

4. Considering the fact that the guidelines issued for regularisation is under consideration before the Hon'ble Supreme Court in connected matters, this writ petition is disposed of giving liberty to the petitioners to seek appropriate remedy depending upon the order that may be passed by the Hon'ble Supreme Court. The respondents shall maintain status quo till such time the regularisation application is considered in the light of the order passed by the Hon'ble Supreme Court. Consequently,



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W.M.P.No.33851 of 2022 is closed. No order as to costs.

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Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

21.02.2024

SS

To

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Housing & Urban Development Department
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Chennai 600 009
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