



WEB COPY



W.P.No.34426 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 31.01.2024**

**CORAM:**

**THE HON'BLE MR. JUSTICE S.S.SUNDAR**

**and**

**THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**W.P.No.34426 of 2023**

J.Padmavathi

... Petitioner

VS.

- 1.The Secretary,  
Housing and Urban Development,  
Fort St.George, Chennai.
- 2.The Director,  
Department of Town and Country Planning,  
Anna Salai, Chennai.
- 3.The Commissioner,  
Corporation of Chennai,  
Rippon Building, Chennai.
- 4.The Assistant Engineer (Division - 97)  
Greater Chennai Corporation,  
Zonal Office VIII 13B/36B,  
Pulla Avenue, Shenoy Nagar,  
Chennai-600 030.
- 5.The Assistant Executive Engineer,  
Greater Chennai Corporation,  
Zonal Office VIII 13B/36B,  
Pulla Avenue, Shenoy Nagar,  
Chennai-600 030.



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6.The Executive Engineer (Zone-III),  
Greater Chennai Corporation - Zonal Office VIII,  
13B/36B, Pulla Avenue, Shenoy Nagar,  
Chennai-600 030.

7.The Executive Officer,  
Parasurman Easwaran Kovil Temple,  
Ayanavaram, Chennai.

.. Respondents

(R7 impleaded vide order dated 31.01.2024  
made in WMP.No.1525 of 2024)

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose the stay application in the revision petition dated 22.11.2023 filed against the lock and seal and deoccupation notice in Notice No.ZONE-8/TPENF/062/2023 dated 22.11.2023 on the file of the respondents 3 and 5 under Section 57 r/w. Section 85 of the Town and Country Planning Act.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mrs.S.Anitha,  
Special Government Pleader for R1 & R2

Mr.D.B.R.Prabhu for R3 to R6

Mr.K.Karthikeyan,  
Government Advocate (HR&CE) for R7

### **ORDER**

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

This Writ Petition has been filed for a Mandamus directing the first respondent to dispose the stay application in the revision petition dated 22.11.2023 filed against the lock and seal and deoccupation notice in Notice



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No.ZONE-8/TPENF/062/2023 dated 22.11.2023 on the file of the respondents 3 and 5 under Section 57 r/w. Section 85 of the Town and Country Planning Act.

2. Brief facts necessary for the disposal of the writ petition are as follows:

2.1. The petitioner admitted that the property admeasuring an extent of 7700 Sq.Ft. comprised in T.S.No.48, Plot No.10, Door No.10, Parasuraman Easwarar Koil West Mada Street, Ayanavaram, Chennai-23 belongs to Parasurman Easwaran Koil Temple, Ayanavaram, Chennai / seventh respondent who has now been impleaded as party in the writ petition. Though it is admitted by the petitioner that the temple authorities had initiated action to evict the petitioner, it is the case of the petitioner that the petitioner had paid the entire rental arrears to the temple authorities and continue to pay the monthly rent of Rs.29,000/- every month, without any default.

2.2. It is stated that one Damodaran filed W.P.No.1327 of 2019 and a direction was issued by this Court regarding removal of the unauthorized



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construction put up by the petitioner without impleading the petitioner. The petitioner states that he has filed the review application against the order passed in the writ petition and the petition to grant leave to file review was allowed on 28.07.2023 in WMP.No.20786 of 2023. It is stated that review application is pending. However, it is the grievance of the petitioner that the respondents 4 to 6, without considering the above facts, had issued the deoccupation notice dated 22.11.2023.

2.3. It is further stated that the petitioner has preferred a statutory revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with an application for stay. In the said circumstances, the present writ petition is filed for issuance of a Writ of Mandamus directing the first respondent to dispose of the stay application in the statutory revision petition filed by the petitioner as against the Lock and Seal and Deoccupation Notice dated 22.11.2023.

3. The facts narrated by the petitioner in the affidavit are not seriously disputed by the respondents. Since the petitioner is entitled to pursue the statutory remedy of revision in terms of Section 80A of the Tamil Nadu Town



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and Country Planning Act, 1971, till such time the revision is considered on merits, the respondents may not take any coercive action against the petitioner.

4. Even though the petitioner has filed the writ petition only for disposal of the stay application within the time stipulated by this Court, it would be appropriate if this Court moulds the relief by directing the respondents to dispose of the main revision itself within a stipulated time.

5. Therefore, this Writ Petition is disposed of with a direction to the first respondent to dispose of the statutory revision said to have been filed by the petitioner under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, as against the Lock and Seal and Deoccupation Notice dated 22.11.2023, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the statutory revision is disposed of, the official respondents are directed to maintain Status Quo. No costs.

[S.S.S.R., J.] [N.S., J.]  
31.01.2024

Index : Yes / No  
Internet : Yes / No  
Jvm



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**S.S.SUNDAR. J**  
and  
**N.SENTHILKUMAR, J.**

Jvm

To

- 1.The Secretary,  
Housing and Urban Development, Fort St.George, Chennai.
- 2.The Director,  
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- 3.The Commissioner,  
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