



WEB COPY

W.P.No.38922 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

**W.P.No. 38922 of 2024**  
**and**  
**W.M.P.Nos.42148 & 42149 of 2024**

1.R.Parvathi

2.R.Poongavanam

...Petitioners

Vs.

1.The Secretary to Government,  
Housing and Urban Development Department,  
Fort St.George, Chennai - 600 009.

2.The Commissioner,  
Corporation of Chennai,  
Ripon Building, Poonamallee High Road,  
Chennai - 600 003.

3.The Greater Chennai Corporation,  
Zone IX - Executive Engineer,  
No.1, Lake Area, Fourth Cross Street,  
Nungambakkam, Chennai - 600 034.

4.The Greater Chennai Corporation,  
Zone IX - Assistant Executive Engineer,  
No.1, Lake Area, Fourth Cross Street,  
Nungambakkam, Chennai - 600 034.



5. The Greater Chennai Corporation,  
Zone IX - Assistant Engineer,  
No.1, Lake Area, Fourth Cross Street,  
Nungambakkam, Chennai - 600 034.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents second to fifth or anybody on their behalf from initiating any coercive action of demolition with regard to the property situated at bearing very Old Door No.12/1, Old Door No.14, New Door No.08, measuring an extent of 1266 sq.ft comprised with land and building in Town Survey No.4693/27, Re-Survey No.4627/B, Block No.103 at Pillaiyar Koil Street, T.Nagar, Chennai-600017 pending determination of the appeal filed by petitioners under Section 80-A (special provisions of the government) of the Tamilnadu Town and Country Planning Act, 1971 dated 19.02.2020 with the first respondent, filed against notice in Notice No: Zone-IX DN-113/TPENF/058/2020, dated 25.11.2024 issued by the third to fifth respondents.

For Petitioners : Mr.David Tyagaraj

For Respondents : Mr.P.Balathandayutham  
Special Government Pleader for R1  
Mr.D.B.R.Prabhu  
Standing Counsel for R2 & R5

**ORDER**

The petitioner seeks a mandamus forbearing the respondents from initiating coercive action for demolition of the building situate at very Old Door No.12/1, Old Door No.14, New Door No.8 of Pillaiyar Kovil Street, T.Nagar, Chennai, pending determination of the appeal filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act. Section 80-A(iii) empowers the Government to pass interim orders pending an appeal proceedings under Section 80-A. Therefore, the remedy for the petitioner is to move the Government seeking stay and not to invoke the constitutional jurisdiction of this Court under Article 226 with a prayer for negative mandamus. Hence, this Writ Petition is **dismissed**. There will be a direction to the Government to consider the stay petition and pass orders thereon within 10 days from the date of receipt of a copy of this order. Till such time, no coercive action shall be initiated. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M., J.) (C.K., J.)  
19.12.2024

kkn  
Index: Yes/No  
Speaking order/Non-speaking order  
Neutral Citation : Yes/ No



W.P.No.38922 of 2

To:

1.The Secretary to Government,  
Housing and Urban Development Department,  
Fort St.George, Chennai - 600 009.

2.The Commissioner,  
Corporation of Chennai,  
Ripon Building, Poonamallee High Road,  
Chennai - 600 003.

3.The Greater Chennai Corporation,  
Zone IX - Executive Engineer,  
No.1, Lake Area, Fourth Cross Street,  
Nungambakkam, Chennai - 600 034.

4.The Greater Chennai Corporation,  
Zone IX - Assistant Executive Engineer,  
No.1, Lake Area, Fourth Cross Street,  
Nungambakkam, Chennai - 600 034.

5.The Greater Chennai Corporation,  
Zone IX - Assistant Engineer,  
No.1, Lake Area, Fourth Cross Street,  
Nungambakkam, Chennai - 600 034.

**R.SUBRAMANIAN, J.**



WEB COPY



W.P.No.38922 of 2

**and**  
**C.KUMARAPPAN, J.**

KKN

**W.P.No. 38922 of 2024**  
**and**  
**W.M.P.Nos.42148 & 42149 of 2024**

**19.12.2024**