



WP.No.39786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.39786 of 2024
and
W.M.P.No.43092 of 2024

K.Shanthi

... Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Department of Housing and Urban Development,
Appellate Authority,
(Under the Town and Country Planning Act, 1971),
Fort St.George, Chennai.
2. The Director,
Directorate Town and Country Planning,
2, 3 & 4th floors, C & E Market Road,
Koyembedu, Chennai - 600 107.
3. The Executive Engineer/Zonal Officer,
Zone VI, Unit XVI, DIV/70,
Greater Chennai Corporation,
No.158, Strahans Road, Pattalam,
Chennai - 600 012.
Landmark: Opp to Mahalakshmi Theatre.



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4. The Assistant Executive Engineer,
Zone VI, Unit XVI, DIV/70,
Greater Chennai Corporation, Chennai.
5. The Junior Engineer,
Zone VI, Unit XVI, DIV/70,
Greater Chennai Corporation, Chennai.
6. The Assistant Engineer,
Zone VI, Unit XVI, DIV/70,
Greater Chennai Corporation,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the 1st respondent to dispose of the petitioner revision dated 23.12.2024 in a time bound manner and further to direct the respondents 3, 4 and 6 to not to disturb the petitioner possession over the petitioner property and not to take any action based on the De-occupation notice dated 17.12.2024 with regard to petitioner's property till the pending disposal of the petitioner's revision petition dated 23.12.2024 on the file of the first respondent.

For Petitioner	: Mr.V.Anthony Elangovan Raj
For Respondents	: Mr.P.Gurunathan Additional Government Pleader [For R1 and R2] : Mr.E.C.Ramesh Standing Counsel [For R3 to R6]



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ORDER

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(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The writ of mandamus has been instituted to direct the 1st respondent to dispose of the petitioner's revision petition dated 23.12.2024 in a time bound manner.

2. Admittedly, Deoccupation Notice was issued to the petitioner by the respondents under the relevant provisions of the statute. The petitioner submitted explanations and it was rejected. Therefore, the petitioner preferred a revision petition before the first respondent/Government. Soonafter filing of the revision petition before the Government on 23.12.2024, the present writ petition has been moved.

3. The practice of filing writ petition without even allowing the Authorities to look into the matter at no circumstances be encouraged by the High Courts. The Authorities must be provided with reasonable time to consider such revision petition filed under the relevant statutes. The



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aggrieved persons are at liberty to move a petition seeking interim order, if any required. Contrarily, they are moving writ petition with an idea to prolong the issue and escape from the clutches of demolition of unauthorised constructions.

4. Chennai city has become concrete jungle on account of large scale building violations by the persons, who all are putting up constructions. On account of large scale violations in building construction, City is facing flooding during rainy season. The Authorities are not initiating appropriate action against such violations, even at the initial stage of constructions. Despite several Court orders, the Authorities of Corporation or local body are absolutely insensitive towards illegal constructions made in violations of building plan approvals. Their inaction, omission and corrupt activities are causing not only inconvenience to the people at large but it violates the constitutional rights of citizen, since such building violations are posing danger not only to the neighbours but also to the public in general. The Authorities are expected to implement the law in *stricto senso* instead of assisting these violators by not initiating appropriate timely action.



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5. In the present case, the petitioner has filed revision petition before the first respondent on 23.12.2024 and the writ petition has been filed within a period of 30 days seeking a direction to dispose of the petition. The Authorities require sometime to look into the matter as the first respondent is loaded with public works. Therefore, it is for the petitioner to approach the first respondent for speedy disposal of the revision petition in the manner known to law.

6. With the above observations, the Writ Petition stands **dismissed**. No costs. Connected M.P. is closed.

[S.M.S., J.] [V.L.N., J.]
27.12.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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