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W.P.No.484 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.01.2025**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE C.KUMARAPPAN**

Writ Petition No.484 of 2025
and WMP Nos.574 & 576 of 2025

N.Mohana Deepa

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Additional Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
4. The Additional Chief Secretary/The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.



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5. The Zonal Officer,
Zone 13, Division 175,
Greater Chennai Corporation,
Adyar, Chennai 600 020.

6. The Executive Engineer,
Zone 13, Division 175,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai 600 020.

7. The Assistant Engineer,
Region-173, Division-40, Zone-13,
Greater Chennai Corporation,
Adyar, Chennai 600 020.

8. K.Charles Vijayaraj

9. D. Palaneeswari ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Certiorarified Mandamus, to call for the records of the sixth respondent in his proceedings Ma.A.13.Na.Ka.No.2380/2024 dated 20.12.2024 and to quash the same as being illegal and unstainable in law and for a consequential direction to the respondents 1 to 7 not to initiate any coercive action against the petitioner in respect of the property situate at Town Survey No.31, Block No.38, (Old SF No.19/2), bearing Door No.26/11A, 1st Street, Govindarajapuram, Adyar, Chennai 600 020.



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For Petitioner : Ms.N.Kavitha Rameshwar

For Respondents : Mr.R.Kumaravel,
Additional Government Pleader, for RR 1 & 2

Mr.A.S.Ragul Adhithya for
M/s. P.T.Ramadevi, for RR 4, 5 & 6

Mr.Y.Bhuvaneshkumar,
Standing Counsel, for R3

ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the lock and seal notice issued by the Greater Chennai Corporation alleging that the building constructed by the petitioner is in violation of the sanctioned plan. From the records, it is seen that the petitioner was visited with an order on 21.06.2024 and the same has been put in issue before the Government under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971.



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2. The impugned notice itself states that since there is no stay order granted by the Authority, the Corporation has a right to proceed further. Sub Section 3 of Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 empowers the Authority viz. the Government acting under Section 80(A) to grant stay of further proceedings. Though the Appeal has been presented as early as on 11.07.2024, the Authority has not chosen to grant stay. It is at this juncture, the petitioner has come before us seeking a Writ of Certiorarified Mandamus to quash the proceedings dated 20.12.2024 and directing the respondents not to initiate any coercive action, pursuant to the notice dated 20.12.2024.

3. We do not think we can entertain the prayer in the writ petition as it stands, as we will be preventing a statutory authority from discharging its statutory functions. However, considering the fact that the Appeal filed against the earlier order is pending before the Government, there will be a direction to the Government to dispose of the Appeal within a period of eight weeks from the date of receipt of a copy of this order, till such time further proceedings will be kept in abeyance.



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4. The Writ Petition is disposed of with the above direction. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
08.01.2025

jv

Index: No
Speaking order
Neutral Citation: No

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4. The Additional Chief Secretary/The Commissioner,
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