



W.P.No.4022 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.03.2025

CORAM :

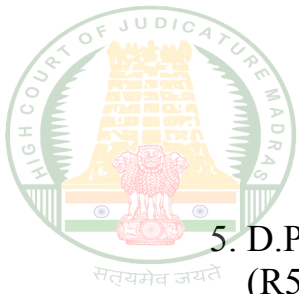
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.4022 of 2024

Vimala Paramanandam
W/o (late) Paramanandam .. Petitioner

v.

1. The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai 600 003
2. The Executive Engineer
Zone 7, Greater Chennai Corporation
No.536, CTH Road, Opp.Dunlop Company
Ambattur, Chennai 600 020
3. The Secretary to Government (Technical)
Housing and Urban Development Department
Secretariat, Chennai 600 009
4. The Director
Directorate of Town and Country Planning
2nd, 3rd & 4th Floor, C & E Market Road
Koyambedu, Chennai 600 107



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5. D.Prithivee

(R5 impleaded vide order of Court
dated 03.03.2025 in WMP.8605/2025
in WP.4022/2024)

.. Respondents

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 impugned show cause notice issued by the 2nd respondent bearing no.Z.O.7.C.No./9.2.2024 dated 09.02.2024 to remove all the belongings kept in the property of the petitioner situated at Door No.333/23, Pillayar Koil Street, Mannurpet, Chennai 600 050 and quash the same as illegal and consequently direct the respondents to permit the petitioner to submit an application for regularization of the said property.

For Petitioner :: Mr.D.Suriyanarayanan

For Respondents :: Mr.D.B.R.Prabhu
Standing Counsel for R1 & R2
Mrs.E.Ranganayaki
Additional Government Pleader
for R3 & R4
Mr.W.M.Abdul Majeed for R5

ORDER

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

For the reasons stated in the affidavit, W.M.P.No.8605 of 2025 stands ordered and the proposed party/Mr.D.Prithivee is impleaded as the fifth respondent in the writ petition.



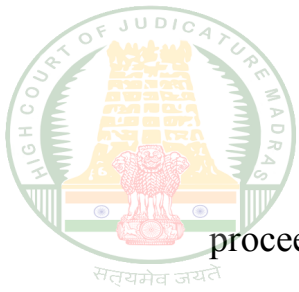
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2. The show cause notice dated 09.02.2024 issued by the Greater

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Chennai Corporation is under challenge in the present writ proceedings. It is not in dispute that locking & sealing notice was issued in proceeding dated 30.05.2022. The writ petitioner preferred a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act. The Government elaborately adjudicated the issues and rejected the revision petition vide letter dated 16.02.2023. The Government, while dismissing the revision petition under Section 80-A of the Act, directed the Greater Chennai Corporation to pursue further enforcement action in respect of the petitioner's building as per the provisions of the Town and Country Planning Act. The Chennai Corporation was directed to monitor and to pursue necessary further action on the objector's building if any construction work is undertaken without proper approval.

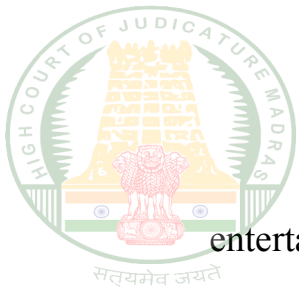
3. Challenging the revisional order of the Government, the petitioner filed W.P.No.6880 of 2023. This Court vide order dated 24.08.2023 disposed of the writ petition by issuing a direction to the respondents to take further action as per law. Accordingly, de-occupation notice was issued in



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proceeding dated 09.02.2024. The said de-occupation notice was again taken by way of a revision under Section 80-A of the Act and the Government once again considered the very same issues and rejected the revision petition vide letter dated 29.07.2024. The Government once again reiterated that all further enforcement action is to be taken by the Greater Chennai Corporation.

4. Question arises whether such a revision petition would be entertainable under Section 80-A of the Act challenging the de-occupation notice? Sub-section (1) of Section 80-A enumerates that “Notwithstanding anything contained in section 80, the Government may, on application, call for and examine the records of the appropriate planning authority in respect of sealing of the premises under sub-section (2-A) of section 56 or under sub-section (4) of section 57 and if, in any case, it appears to the Government that any such action or decision should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly.” Therefore, a revision under Section 80-A would lie only against an order of locking & sealing. However, there is no second revision, which is



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entertainable under Section 80-A with reference to the further de-occupation notice issued based on the final order passed by the Government under Section 80-A of the Act. In other words, two revision petitions are not entertainable in respect of the enforcement action taken in a single case.

5. Be that as it may, the petitioner has protracted the proceedings one way or other and made an attempt to escape from the clutches of enforcement actions already initiated by the Greater Chennai Corporation. Revision after revision, writ petition after writ petition have been instituted to increase the longevity of the enforcement actions, which cannot be encouraged by the Courts. It amounts to abuse of the judicial process. Once the issues are decided on merits, making an attempt to reopen the issues in a different form at no circumstances be appreciated, but to be deprecated. Therefore, the present writ petition is to be treated as a vexatious litigation. The issues have already been decided both by the Government as well as by this Court in various proceedings. The learned Standing Counsel for the Greater Chennai Corporation would submit that further actions will be continued and the authorities would ensure that the unauthorised/deviations



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in the subject building will be demolished. The undertaking of the learned Standing Counsel is recorded. The petitioner has not established even a semblance of legal right for the purpose of considering the relief as such sought for in the writ petition challenging the show cause notice. Thus the writ petition stands dismissed. Consequently, W.M.P.No.4342 & 4344 of 2024 are also dismissed. No costs.

Index : yes

Neutral citation : yes/no

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

03.03.2025

Registry is directed to carryout
the amendment in the cause title
forthwith

ss

To

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AND

K.RAJASEKAR,J.

SS

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