



WEB COPY

WP Nos. 14236 & 14238 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP Nos. 14236 & 14238 of 2024

and

WMP.Nos.15426 & 15425 of 2024

1. Revathi Sundarrajan
W/o.Sundarrajan,
Old No.29, New No.29,
Sub-division Part (c),
Kallukaran Street,
Mylapore, Chennai-600 004.

Petitioner in WP No. 14236 of 2024

A.Somasundaram
S/o. P.Annamalai, Old No.29, New
No.29, Sub-division Part (b),
Kallukaran Street, Mylapore,
Chennai-600 004.

Petitioner in WP No. 14238 of 2024

Vs

1. The Secretary To Government
Housing And Urban Development



Department,
Secretariat, Chennai-600 009.

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2. The Executive Engineer

Zone-IX, Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-600 034.

3. The Assistant Engineer

Division-124, Zone-IX, Greater
Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-600 034.

4. The Commissioner

The Corporation Of Chennai,
Rippon Building, Chennai-600 003.

Respondents in both Petitions

PRAYER in WP No. 14236 of 2024:

Forbearing the 2nd and 4th respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in New No.29, Part C, Old No.29, 2nd floor, Kallukaran Street, Mylapore, Chennai 600 004, till the disposal of the petitioner's revised plan dated 21.05.2024 in SD / WDCN09 / 00727 / 2021 submitted under the Tamil Nadu Town and Country Planning Act to the the 1st respondent.

PRAYER in WP No. 14238 of 2024:

Forbearing the 2nd and 4th respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in New No.29, Part B, Old No.29, 2nd floor, Kallukaran Street, Mylapore, Chennai 600 004, till the disposal of the petitioner's revised plan dated 21.05.2024 in SD / WDCN09 / 00727 / 2021 submitted under the Tamil Nadu Town and Country Planning Act to the the 1st respondent.



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In Both Writ Petitions

For Petitioner(s): Mr.S.Lakshmikanth

For Respondent(s): Mrs.E.Renganayaki,
Additional Government Pleader For R1
Mrs.Aswini Devi .K
Standing Counsel For GCC For R2 - 4

COMMON ORDER

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

The Writ of Mandamus has been instituted to forbear the 2nd and 4th respondents or anybody on their behalf from initiating any coercive action with regard to property comprised in New No.29, Part B & C, Old No.29, 2nd floor, Kallukaran Street, Mylapore, Chennai 600 004, till the disposal of the petitioners' revised plan dated 21.05.2024 in SD / WDCN09 / 00727 / 2021 submitted under the Tamil Nadu Town and Country Planning Act to the the 1st respondent.

2. The negative relief as such sought for is not maintainable and the authorities are bound to act in accordance with law. While initiating enforcement action, due process as contemplated under statutes and rules are to be followed. However, an omnibus prayer to forbear the officials from initiating action is not entertainable and the Courts in the event of granting such relief would result in an anomalous situation, where the competent authorities may not be in a position to initiate action against illegality and act in accordance with



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3. Therefore, the prayer itself is not maintainable and consequently, the Writ Petitions are dismissed. No costs. The connected Miscellaneous Petitions are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

03-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1.The Secretary To Government
Housing And Urban Development
Department, Secretariat, Chennai-600
009.

2.The Executive Engineer
Zone-ix, Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai-600 034.

3.The Assistant Engineer
Division-124, Zone-ix, Greater
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S.M.SUBRAMANIAM

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