



WEB COPY



W.P No.17252 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2025

CORAM

THE HONOURABLE MRS.JUSTICE **N.MALA**
and
THE HONOURABLE MR.JUSTICE **G.ARUL MURUGAN**

W.P No.17252 of 2025
and
W.M.P. No.19541 of 2025

1.R.Sudhakaran
2.K.K.Usha

... Petitioners

vs

1.Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

2.Directorate of Town Planning Department
rep. By its Assistant Director,
Dharmapuri.

3.Illaiyampatti Panchayat Union
rep. By its Special Officer/Block Development
Officer (E.O.), Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the third respondent from interfering with the building put up at Survey Nos.320/12 and 320/15 at Virupakchipuram Village, Virupakchipuram, Dharmapuri in any manner particularly by way of locking and sealing and or

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demolition of the same pending final determination of the petitioners special revision petition dated 11.04.2025 received on 16.04.2025 under Section 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 by the first respondent.

For Petitioners : Mr.D.S.Rajasekaran

For Respondents : Mr.P.Ganesan,
Additional Government Pleader

ORDER

[Order of the Court was made by **N.MALA, J.,**]

This writ petition has been filed for the issuance of a writ of mandamus forbearing the third respondent from interfering with the building put up at Survey Nos.320/12 and 320/15 at Virupakchipuram Village, Virupakchipuram, Dharmapuri by way of locking and sealing and/or demolition of the same pending final determination by the first respondent on the petitioners' special revision petition dated 11.04.2025 under Sections 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971.

2. The petitioners are the owners of the subject property and they have applied and obtained sanction for construction of stilt and



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first floors from the third respondent on 23.03.2023 and also obtained building permit on 15.02.2025. The petitioners applied for grant of approval for construction of additional floor vide online application No.SWP/BPA/0858941/2023 and the same was technically approved by the third respondent. While so, the petitioners' neighbour complained to the authorities including the third respondent and filed a writ petition in W.P.No.9887 of 2025 to remove the unauthorised construction put up by the petitioners, wherein this Court directed that all further actions should be initiated pursuant to the notice issued by the third respondent under Section 86 of The Tamil Nadu Urban Local Bodies Act. The petitioners preferred a Special Revision Petition under Sections 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 before the first respondent on 11.04.2025, which was received by the first respondent on 15.04.2025. During the pendency of the Special Revision Petition, the respondents tried demolish the unauthorised construction of the petitioners. Hence the present writ petition.

3. Heard the learned counsel on either side and perused the materials available on record.

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4. Admittedly the petitioners' Special Revision Petition under Sections 80(A) and 80(A)(3) of the Town and Country Planning Act, 1971 dated 11.04.2025 is pending with the first respondent. In view of the fact that the Special Revision Petition is pending, we deem it appropriate to direct the first respondent to dispose of the petitioners' Special Revision Petition dated 11.04.2025 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. In the meanwhile, *status quo* as on today shall be maintained.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

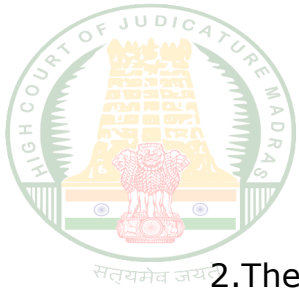
(N.M.,J.) (G.A.M.,J.)
09.05.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi/gpa

To

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

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- 2.The Assistant Director,
Directorate of Town Planning Department,
Dharmapuri.
- 3.The Special Officer/Block Development
Officer (E.O.),
Illaiyampatti Panchayat Union, Dharmapuri.



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**N.MALA, J.,
and
G.ARUL MURUGAN, J.,**

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