



WEB COPY



WP No.39689 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.39689 of 2025
and WMP No.44598 of 2025

SIR ALAWAD JAIN WELFARE TRUST,
Rep. by its Secretary, Mr.Bakulesh R.Shah,
Having Kalyanamandapam in the name of
Sir MathikundanbenRatitua Shah
Kapadia Bhavan Lakthar Wala,
No.15/16, Vepary Church Road,
Vepary, Chennai 600 007.

.. Petitioner

-VS-

1. The Principal Secretary,
Housing and Urban Development,
Secretariat, St. George Fort,
Chennai 600 001.
2. The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA), No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Corporation of Chennai,
Rep. by its Commissioner,
Ripon Buildings, Chennai 600 003.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for all the records in connection to impugned order vide Notice No.EC/N-I/13883/2021 dated 07.10.2025 passed by the 2nd respondent and quash the same and direct the 2nd respondent to regularize the subject building.

For Petitioner : Mr.Srenik S.Jain
For Respondents : Mr.M.Habeeb Rahman
Govt. Advocate for R-1
: Ms.P.Veena Suresh
Stdg. Counsel for R-2
: Mr.A.Arun Babu
Stdg. Counsel for R-3

* * * * *

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This petition has been filed by the petitioner challenging the notice dated 07.10.2025 issued by the 2nd respondent and to restrain/forbear the respondents from taking any coercive action against the petitioner, in the light of an interim order passed in his favour by the revisional authority on 29.09.2025.



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2. Learned counsel for the petitioner would submit that against the action taken by the respondent authorities, the petitioner has already approached the Government by filing a revision petition under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and in the said revision, there is an interim order passed in favour of the petitioner, but the petitioner apprehends that despite there being an interim order, the respondent authorities may take any coercive action against the petitioner, which would be in violation of the interim order passed on 29.09.2025.

3. On advance copy, learned counsel appearing for the second respondent would submit that the interim order is subject to any enforcement direction issued by the Court. She draws the attention of the Court to the earlier order dated 28.04.2024, by which the writ petition filed by the petitioner was dismissed and therefore, the interim order passed by the revisional authority is not operative and the respondent authorities are bound under the law to take enforcement action under the command of the Court.



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4. At this stage, learned counsel for the petitioner submits that an application seeking review of the order dated 28.04.2024 passed in W.P.No.24387 of 2024 has been filed by the petitioner, but the same could not be listed despite all efforts, as it required constitution of a Special Bench. It is submitted that the petitioner is making all efforts to seek appropriate orders for listing of the case at the earliest. Therefore, he prays for an order to be granted by this Court to protect the petitioner for a short period.

4.1. A prayer for stay can be made only in the application seeking review and this Court cannot grant any order of stay.

5. At this stage, learned counsel for the petitioner submits that at least the respondents may be directed not to take any action before the ensuing Deepavali holidays and some breathing time may be granted so that he could press the application for review.

5.1. It is for the petitioner to make an application before the authorities to grant him breathing time taking into consideration the Deepavali season.



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5.2. We leave it open for the respondent authorities to consider the application, if any, is filed.

Petition is, accordingly, closed. There shall be no order as to costs. Consequently, the interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (G.ARUL MURUGAN, J.)
17.10.2025

Index : Yes/No
Neutral Citation : Yes/No

sra

To

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THE HON'BLE CHIEF JUSTICE

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(sra)

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