WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP.No.44560 of 2026
CNR:{HCMA012603222026}
and
WMP.No.50033 of 2026

Case QR

J.Prabhu

..Petitioner

Vs

1. The Secretary / Additional secretary
   (Technical),
   Housing and urban Development Department,
   Government of Tamil Nadu,
   Secretariat, Chennai - 600 009.

2. The Executive Engineer,
   Zonal office VIII,
   Corporation of Chennai,
   No.36 B, Pulla Avenue,
   Shenoy Nagar, Chennai - 600 030.

3. The Assistant Executive Engineer,
   Zonal office VIII,
   Corporation of Chennai,
   Shenoy Nagar, Chennai - 600 030.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. The Assistant Engineer,
Division 98, Zone VII,
Corporation of Chennai,
No.6A, Aspiran Garden, 1st street,
Kilpauk, Chennai - 600 010.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the 1st respondent to take up the statutory Application / revision petition dated 29.09.2026 filed by the petitioner under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 along with the stay petition and the subsequent representation dated 13.10.2026, hear the petitioner and pass ..

For Petitioner: Mr.L.Chandrakumar
For Mr.D.Senthilkumar

For Respondents: Mr.B.Sivakollppan
Additional Government Pleader For R1
Ms.R.V.Gayatri
Standing Counsel for R2 to R4

ORDER

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

Writ of Mandamus has been instituted to direct the respondents to dispose of the statutory appeal filed under Section 80-A of the Tamil Nadu Town and Country Planning Act along with the stay petition.

https://www.mhc.tn.gov.in/judis

WEB COPY

2.The apprehension raised by the petitioner is that during the pendency of the appeal, the authorities may initiate enforcement action.

3.The learned Additional Government Pleader would submit that the enquiry date is fixed on 24.11.2026 to hear the appeal by the Government. Even in case of any such apprehension or emergent situation, Sub-section (3) to Section 80-A of the Tamil Nadu Town and Country Planning Act stipulates as under:

> *"The Government may pass such interim order, as they may deem fit, pending the exercise of the powers under sub-section (1) in respect thereof."*

When there is a provision to file an interlocutory application seeking interim order, it is unnecessary for the High Court to entertain the writ petition.

4.The contention of the petitioner is that they have filed a stay petition and not disposed of.

5.Per contra, the learned Additional Government Pleader would submit that the enquiry date is fixed on 24.11.2026.

https://www.mhc.tn.gov.in/judis

WEB COPY

6.Under these circumstances, the present writ petition is unnecessary and filed based on apprehension. High Court cannot grant relief merely based on the apprehension and in the absence of establishing any right, more so, during the pendency of the statutory appeal as well as the stay petition, the High Court need not grant interim relief which would result in causing prejudice to any one of the parties. It is for the appellate authority to decide both the stay petition as well as the appeal in the manner known to law and on merits.

7.With these observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.R.V.,J.)
04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

cse

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Secretary / Additional secretary
   (Technical),
   Housing and urban Development
   Department,
   Government of Tamil Nadu,
   Secretariat, Chennai - 600 009.

2. The Executive Engineer,
   Zonal office VIII,
   Corporation of Chennai,
   No.36 B, Pulla Avenue,
   Shenoy Nagar, Chennai - 600 030.

3. The Assistant Executive Engineer,
   Zonal office VIII,
   Corporation of Chennai,
   Shenoy Nagar, Chennai - 600 030.

4. The Assistant Engineer,
   Division 98, Zone VII,
5. Corporation of Chennai,
   No.6A, Aspiran Garden, 1st street,
   Kilpauk, Chennai - 600 010.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

cse

WP.No.44560 of 2026

04-11-2026

https://www.mhc.tn.gov.in/judis