

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2015

CORAM

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15356 of 2015
and
M.P.Nos.1 to 3 of 2015

Mrs.I.Irudhaya Anthony Lourdu
(Alias) Lourdu

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009
2. The Executive Engineer (Enforcement-Region Central)
Corporation of Chennai, Regional Office-Central,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar,
Chennai-600 030
3. The Assistant Executive Engineer (Enforcement-
Region Central)
Corporation of Chennai, Regional Office-
Central,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar,
Chennai-600 030
4. The Assistant Engineer (Dn-71)
Corporation of Chennai,
Chennai.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorarified mandamus to call for the records of the 2nd respondent in impugned Notice No.REGIONCENTRAL/TPENF/0508/2015 dated 24.4.2015 and to quash the same as illegal, arbitrary and non est in law and consequently forbear the respondents 2 to 4 from interfering with the petitioner peaceful possession and enjoyment of the premises bearing Door No.32, Krishnadass Road, Perambur, Chennai-600 012.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.R.Vijayakumar,A.G.P. for R1
Mr.S.Saravanan for R2 to R4

ORDER

(The Order of the Court was made by V.DHANAPALAN,J)

Heard Mr.S.Arivazhagan, the learned counsel for the petitioner and Mr.R.Vijayakumar, the learned Additional Government Pleader, who takes notice on behalf of the first respondent and Mr.S.Saravanan, who takes notice for R2 to R4.

2. The challenge in the writ petition is to the lock and seal notice, issued under Sections 56 and 57 of the Tamilnadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act' in short). Questioning the said notice the petitioner has also moved the appellate authority and filed an appeal on 8.5.2015 and the same is pending consideration.

3. The learned counsel for the petitioner, after elaborate arguments, would submit that the petitioner has already preferred an appeal before the first respondent and the same may be directed to be disposed of in accordance with law, after putting the petitioner on notice and in the meantime, the petitioner's possession may also be protected. He would further submit that in the event of the premises being locked and sealed, the petitioner would be prejudiced and put to great hardship and there might be a subsequent demolition also.

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4. In the light of the above stated position and taking into consideration the fact that after issuance of the impugned notice on 24.4.2015, the petitioner has immediately preferred an appeal on 8.5.2015, along with a stay petition, and the same is pending before the appellate authority, namely, the first respondent, we are of the considered opinion that pending appeal, if any action is taken by the respondents, the same would cause great hardship and inconvenience to the petitioner and therefore, without delving deep into the merits of the case, reserving the rights of the parties to contest the appeal in the manner known to law, we direct the first respondent to decide the appeal in accordance with law and on its own merits, after giving notice to all concerned and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. In the meantime, both the parties shall maintain status-quo as on date.

5. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar/Vocation Officer

//True Copy//

Sub Assistant Registrar

msk

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009
2. The Executive Engineer (Enforcement-Region Central)
Corporation of Chennai, Regional Office-Central,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar,
Chennai-600 030

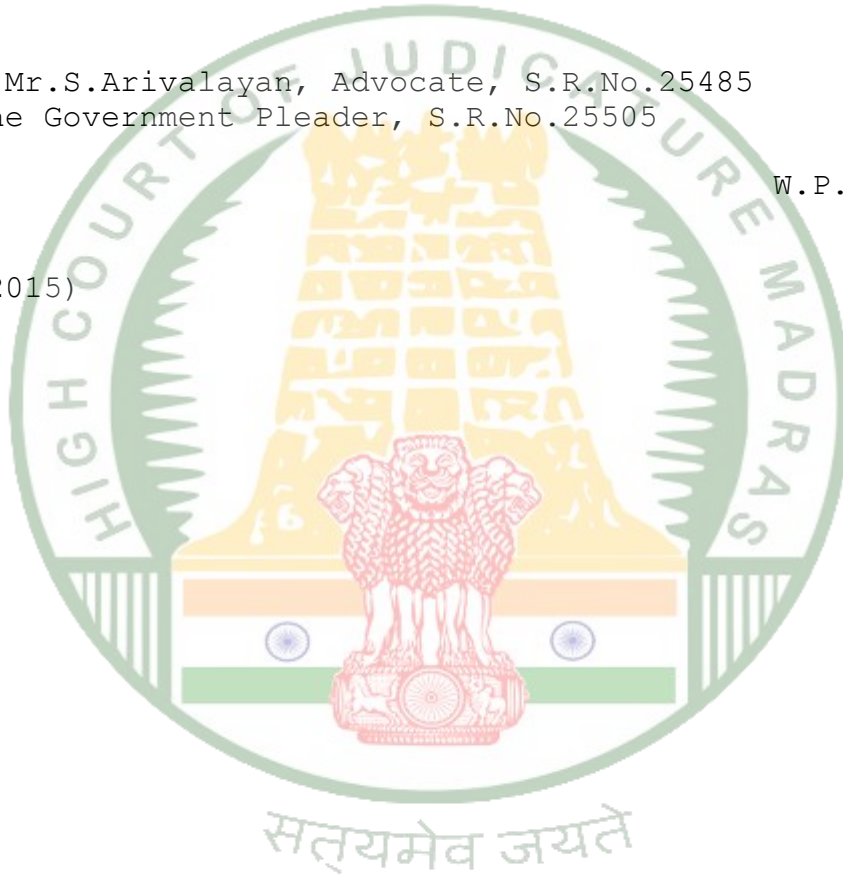
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3. The Assistant Executive Engineer (Enforcement-
Region Central)
Corporation of Chennai, Regional Office-
Central,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar,
Chennai-600 030
4. The Assistant Engineer (Dn-71)
Corporation of Chennai,
Chennai.

+4cc's to Mr.S.Arivalayan, Advocate, S.R.No.25485
+1cc to the Government Pleader, S.R.No.25505

W.P.No.15356 of 2015

KU (CO)
CA (03/06/2015)



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