

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.7085 of 2013 and M.P. No.2 of 2013

G. Sumathi

Petitioner

vs.

1 Chennai Metropolitan Development Authority
represented by its Member Secretary
Thalamuthu Natarajan Building
Egmore
Chennai 600 008

2 The Corporation of Chennai
represented by its Commissioner
Ripon Building
Park Town
Chennai 600 003

3 The Executive Engineer - I
Zone X, Corporation of Chennai
Saidapet, Chennai 600 015

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the order made in Notice No. Dn.140/002/2013 dated 19.01.2013 issued by the third respondent and quash the same and consequently forbear the respondents from in any manner demolishing the portion of the residential building bearing New Door No.78, Old Door No.79, Old Mambalam Road, Saidapet, Chennai 600 015.

For petitioner Mr. G. Ethirajulu

For R1 Mr. N. Sampath, Standing Counsel

For RR 2 & 3 Mr. R. Arunmozhi, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

With consent, the writ petition is taken up for final disposal.

2 Questioning the correctness of the locking and sealing notice dated 19 January 2013 issued by the Chennai Corporation and also for a direction forbearing the respondents from demolishing the portion of the residential building bearing New Door No.78, Old Door No.79, Old Mambalam Road, Saidapet, Chennai 600 015, the petitioner has come up with this writ petition.

3 This Court, taking cognizance of the matter, by order dated 25 March 2013, granted status quo as an interim measure. Subsequently, in a decision rendered by a Division Bench of this Court in Lalithkumar C. Soni vs. Government Tamil Nadu and Others¹, wherein, one of us (Satish K. Agnihotri, J.) was a Member, it was held that an application under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, is maintainable against the locking and sealing notice sought to be impugned in this writ petition. As such, the petitioner has got statutory remedy as against the impugned locking and sealing notice.

4 However, regard being had to the fact of grant of status quo order during pendency of this writ petition, we are inclined to continue the status quo order further, for a period of three weeks. In the meantime, the petitioner is granted liberty to take recourse to the statutory forum, as aforesaid, if so advised. In the event, the petitioner prefers an application within a period of two weeks, the question of limitation need not be examined by the authority concerned.

The writ petition stands disposed of with the above observations. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

1 W.P.Nos.16392 of 2015 etc. batch

To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai 600 008
- 2 The Commissioner
Corporation of Chennai
Ripon Building, Park Town, Chennai 600 003
- 3 The Executive Engineer - I
Zone X, Corporation of Chennai
Saidapet, Chennai 600 015

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.67702
+1cc to M/S.N.Sampath, Advocate, S.R.No.68060
+1cc to Mr.R.Arunmozhi, Advocate S.R.No.67919

W.P. No.7085 of 2013

nm(CO)
srg(06/01/2016)



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