

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.25038 of 2015

J.Selvi ... petitioner

versus

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George Chennai-9
- 2 The Executive Engineer
(Enforcement Region Central) Corporation of
Chennai Regional Office Central 2nd Cross
Street (East) Pulla Avenue Shenoy Nagar
Chennai-30
- 3 Smt.Beer Fathima
No.101 Bharathiyar Street Devar Nagar
Padi Chennai-50 ... respondents

Writ Petition filed under Art.226 of the Constitution of India
praying for a Writ of Certiorari Mandamus to call for the records
connected with the notice issued in No.Regioncentral/ TPENF/ 0093/
2015 dated 10.7.2015 passed by the 2nd respondent and quash the same

For petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.I.S.Inbadurai, Spl.G.P.

O R D E R

(made by K.K.SASIDHARAN, J.)

This Writ Petition is directed against the locking and sealing
cum demolition notice issued by the Chennai Corporation whereby and
whereunder the petitioner was directed to remove the unauthorized
construction within a period of thirty days, failing which, it was

indicated that further action would be taken in accordance with the provisions of Tamil Nadu Town and Country Planning Act, 1972.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing on behalf of the first respondent and the learned Standing Counsel for the Chennai Corporation.

3. The petitioner is stated to be in possession and enjoyment of the residential building bearing No.101, Bharathiyar Street, Devar Nagar, Padi, Chennai. It is the case of the petitioner that the property was given on lease to Tmt.Sabiya Beevi by the executive officer, Arulmighu Thiruvalléeswarar Temple. After the demise of the lessee, her daughter inducted the petitioner as a tenant. The petitioner constructed a residential house long ago.

4. While so, the second respondent inspected the premises in question and issued the impugned notice.

5. There is nothing on record to show that the petitioner obtained permission from the landlord to occupy the premises or building permission from the statutory authority. The order under challenge is appealable under Section 80A of the Tamil Nadu Town and Country Planning Act. There is no question of interfering with the enforcement action taken by the Corporation by entertaining the Writ Petition. The petitioner is given three weeks time from today to approach the statutory authority. There shall be a direction to maintain the status quo as on date for a period of two weeks so as to enable the petitioner to approach the statutory authority for appropriate relief.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George Chennai-9

2 The Executive Engineer
(Enforcement Region Central) Corporation of
Chennai Regional Office Central 2nd Cross
Street (East) Pulla Avenue Shenoy Nagar
Chennai-30

+1cc to M/s.R.Arunmozhi, Advocate sr.42648
+1cc to Mr.S.Ilamvaludhi, Advocate sr.42700

W.P. No.25038 of 2015

tej[co]
srg 21.08.2015



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