

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.33411 of 2015 and M.P. Nos.1 & 2 of 2015

K. Ramamoorthy

Petitioner

Vs.

- 1 The Secretary to Government
Housing and Urban Development Department
Secretariat
Fort St. George
Chennai 600 009
- 2 Corporation of Chennai
represented by its Commissioner
Ripon Buildings
Chennai 600 009
- 3 The Executive Engineer
Enforcement - Region Central
Corporation of Chennai
Regional Office - Central
Zone VIII, II Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030
- 4 The Junior Engineer
Corporation of Chennai
Zone VIII, Division 100
Anna Nagar, Chennai 600 040

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the first respondent in Lr.No.18624/UD-6(1)/2015-1 dated 18.09.2015 in rejecting the petitioner's revision petition filed under Section 80-A of the Town and Country Planning Act as against the locking and sealing and demolition decision of officials of the Corporation of Chennai for the building put up at Flat No.7-A (Plot No.7), Sri Vallaba Vinayagar Street, Sabari Nagar, Naduvakarai, Anna Nagar, Chennai-600 040 by quashing the same and consequently, direct

the respondents to regularise the building put up in the aforementioned property.

For petitioner Mr. M. Selvam

For R1 Mrs.A.Srijayanthi,
Spl.Govt. Pleader

For RR 2 - 4 Mr.V.C.Selvasekaran, Standing
Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 2 to 4. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed challenging the order dated 18 September 2015 passed by the first respondent-Government rejecting the appeal preferred by the petitioner challenging the locking, sealing and demolition notice dated 27 August 2015 issued by the Chennai Corporation under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 The learned counsel for the petitioner, relying on the decision of this Division Bench in Lalithkumar C. Soni vs. Government Tamil Nadu and Others¹, wherein, it was held that sealing of the premises is not a condition precedent for filing a special revision petition under Section 80-A of the Act, submits that the impugned order rejecting the petitioner's appeal filed under Section 80-A of the Act on the ground that the same is not maintainable for want of locking and sealing of the premises, is erroneous.

4 The learned Special Government Pleader fairly submits that the matter may be remitted back to the appellate authority for re-consideration.

5 In view of the aforesaid submission made by the learned Special Government Pleader, the impugned order passed by the appellate authority is set aside and the matter is remitted back to the appellate authority to re-consider all the issues afresh, in the light of the aforesaid decision.

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

6 The writ petition stands disposed of accordingly.
Costs made easy. Connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 cc to Government Pleader sr.57500
+1 cc to M/S.V.Manisekaran Advocate sr.57689

W.P. No.33411 of 2015

aa04/11/2015