

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.33433 of 2015

and

M.P. No.1 of 2015

S.A. Zainab Sulaiha

...Petitioner

Vs.

1 The Secretary to Government
Housing and Urban Development Department
Secretariat
Fort St. George
Chennai 600 009

2 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai

3 The Executive Engineer
Enforcement-Region Central
Corporation of Chennai
Chennai

4 The Assistant Engineer
RDC (C) Corporation of Chennai
Chennai

5 The Assistant Engineer
Division 111
Corporation of Chennai
Chennai

...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 Letter No.18186/UD6(1) 2014-2 dated 28.09.2015 and quash the same and consequently, direct the first respondent to dispose of the petitioner's appeal challenging the notice dated 10.09.2014 in Ref.No.RDC CENTRAL/TP-ENF/SPL/2014/5066/7 under Section 79 read with Section 80 of the Town and Country Planning Act, issued by respondents 2 to 5 filed before the first respondent, after affording an opportunity of personal hearing and dispose of the same in accordance with law within a time-frame.

For petitioner : Mr. K. Chandrasekaran
For R1 : Mrs.A.Srijayanthi,
Spl.Govt. Pleader
For RR 2 - 5 : Mr.R.Arunmozhi,
Standing Counsel

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 2 to 5. 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 28 September 2015 passed by the first respondent-Government rejecting the appeal preferred by the petitioner challenging the locking, sealing and demolition notice dated 10 September 2014 issued by the Chennai Corporation under Section 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,

¹ W.A. Nos.16392 of 2015 etc. batch

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 aforestated decision.

6 The writ petition stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Secretary to Government
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Chennai 600 009

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Corporation of Chennai
Chennai

1 CC to M/s. P.Solomon Francis, Advocate SR.No. 57204

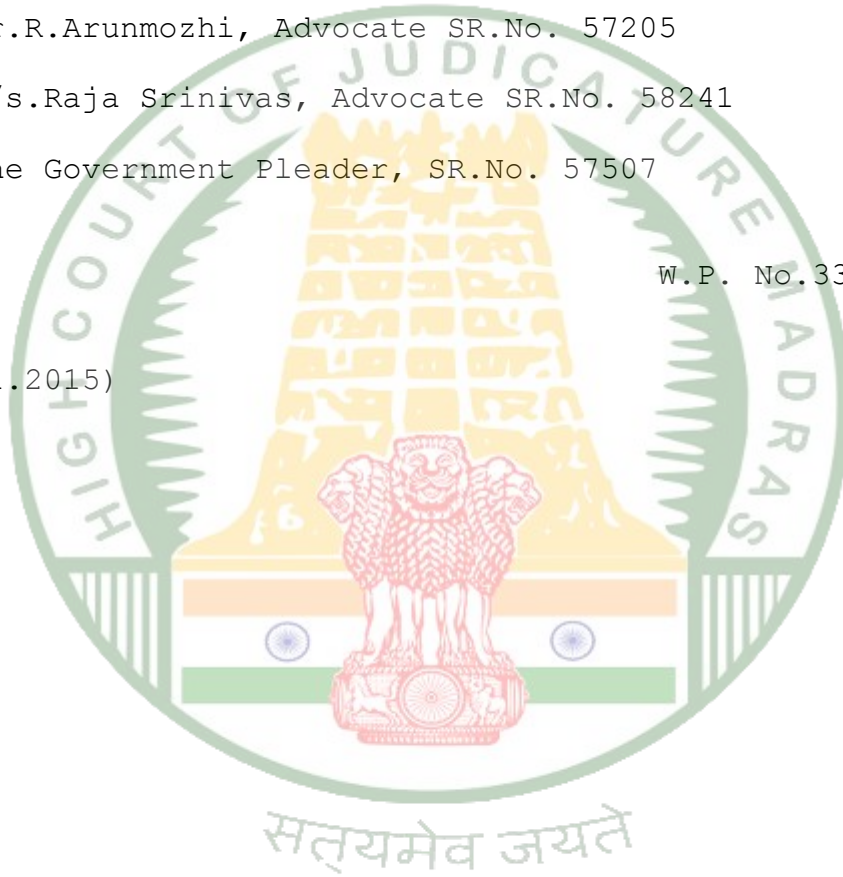
1 CC to Mr.R.Arunmozhi, Advocate SR.No. 57205

1 CC to M/s.Raja Srinivas, Advocate SR.No. 58241

1 CC to the Government Pleader, SR.No. 57507

W.P. No.33433 of 2015

ALA (CO)
PSI (03.11.2015)



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