

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM

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

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.33857 of 2015

and

M.P. Nos.1 & 2 of 2015

1. S. Pooja
2. A. Sangeetha
3. R. Swetha Kumari ... Petitioners

Vs.

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai 600 009
2. The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai
3. The Assistant Engineer
Town Planning Approval Section
Regional Office Centre
Corporation of Chennai
No.36, Pulla Avenue
Shenoy 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 third respondent in Notice No.REGION CENTRAL/TPENF/0752/2015 dated 30.06.2015 and the order of the first respondent in Letter No.15614/UD- 6(1)/2015-1 dated 16.09.2015 and quash the said orders and direct the respondents to consider the petitioners' application in Ref.No.Application No.PPA/WDC No.06/05755/2014 dated 03.09.2014 on merits.

For petitioners : Mr. G. Jeremiah

For R1 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For RR 2 & 3 : Mr. V.C. Selvasekaran
Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 2 and 3. 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 locking, sealing and demolition notice dated 30 June 2015 passed 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") and the order dated 16 September 2015 passed by the first respondent-Government rejecting the appeal preferred by the petitioners challenging the aforestated locking, sealing and demolition notice.

3. The learned counsel for the petitioners, relying on the decision of this Division Bench in *Lalithkumar C. Soni vs. Government Tamil Nadu and Others*¹, 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 passed by the first respondent-Government rejecting the petitioners' 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 appearing for the first respondent fairly submits that the matter may be remitted back to the appellate authority for re-consideration.

¹ W.A. Nos.16392 of 2015 etc. batch

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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
2. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai
3. The Assistant Engineer
Town Planning Approval Section
Regional Office Centre
Corporation of Chennai
No.36, Pulla Avenue
Shenoy Nagar
Chennai 600 040

+1cc to Mr.G. Jeremiah, Advocate, S.R.No.58158
+1cc to the Government Pleader, S.R.No.58634

W.P. No.33857 of 2015

RSI (CO)
CA(04/11/2015)