

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM

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

W.P. Nos.34587 to 34589 of 2015 and M.P. Nos.1 and 2 of 2015

Babulal Mandoth and Sons (HUF)
represented by its Karta J.B. Mahendra Kumar
S/o Late Babulal Mandoth
No.31/2, New Thandavarayan Street
Chennai 600 021

Petitioner in WP No.34587 of 2015

J.B. Mahendra Kumar and Sons (HUF)
represented by its Karta J.B. Mahendra Kumar
S/o Late Babulal Mandoth
No.31/2, New Thandavarayan Street
Chennai 600 021

Petitioner in WP No.34588 of 2015

Gouthamchand Mandoth (HUF)
represented by its Karta J.B. Mahendra Kumar
S/o Late Babulal Mandoth
No.31/2, New Thandavarayan Street
Chennai 600 021

Petitioner in WP No.34589 of 2015

सत्यमेव जयते
Vs.

- 1 The Government of Tamil Nadu
represented by its Secretary
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Regional Deputy Commissioner

Chennai Corporation (North Zone)
No.62, Basin Bridge Road
Old Washermanpet
Chennai 600 021

Respondents in all the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the proceedings of the first respondent in Letter Nos.18303/UD-VI(1)/2015-1, 18304/UD-VI(1)/2015-1 and 18305/UD-VI(1)/2015-1 respectively dated 08.09.2015 and quash the same and forbearing the respondents from initiating any coercive action of locking, sealing and demolition with regard to the petitioners' property at New No.222, Old No.127, N.S.C. Bose Road, Chennai 600 079.

For petitioner in all the WPs	Mrs. S. Meenakumari
For R1 in all the WPs	Mr. P.S. Sivashanmugasundaram Special Government Pleader
For R2 in all the WPs	Mr. K. Raja Srinivas Standing Counsel
For R3 in all the WPs	Mr. A. Nagarajan Standing Counsel

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the second respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed impugning the orders passed by the first respondent-Government rejecting the appeals preferred by the petitioners challenging the locking, sealing and demolition notices dated 05 August 2015 issued by the second respondent, viz., Chennai Metropolitan Development authority 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 petitioners, 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 orders passed by the first respondent-Government rejecting the petitioners' appeals filed under Section 80-A of the Act on the ground that the same are not maintainable for want of locking and sealing of the premises, are erroneous.

4 The learned Special Government Pleader appearing for the first respondent fairly submits that the matters 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 orders passed by the appellate authority are set aside and the matters are remitted back to the appellate authority to re-consider all the issues afresh, in the light of the aforestated decision.

The writ petitions stand disposed of accordingly. Costs made easy. Connected Miscellaneous Petitions are closed.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

cad

To

- 1 The Secretary
Government of Tamil Nadu
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Regional Deputy Commissioner
Chennai Corporation (North Zone)
No.62, Basin Bridge Road
Old Washermanpet

¹ W.A. Nos.16392 of 2015 etc. batch

Chennai 600 021

+3 CC to MR. K. Raja Srinivas Advocate. SR.NO. 59023 to 59025

+1 CC to Govt.Pleader. SR.NO. 59142

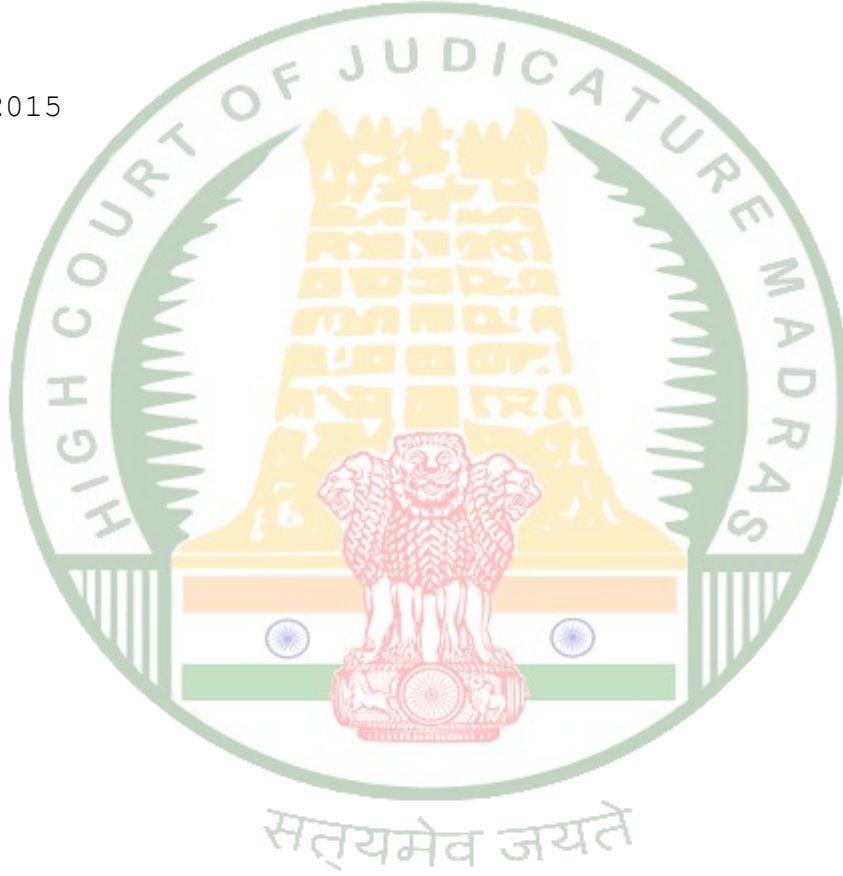
+1 CC to MR.A. Nagarajan Advocate. SR.NO. 58726

+2 CC to MR.D.Balachandran Advocate. SR.NO. 58666, 58667

+1cc to to Mr.D.Balachandran, Advocate Sr.58668 [20/11/2015]

W.P. Nos.34587 to 34589 of 2015

CO-PUR
JD 06/11/2015



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