

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.35302 of 2015 and M.P. Nos.1-3 of 2015

1 R. Selvamani
2 R. Murugadoss ...Petitioners

Vs.

1 The Government of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Secretariat
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 Principal Secretary/Commissioner
Chennai Corporation
Ripon Building
Chennai 600 003 ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the first respondent in Letter No.16966/UD6 (1)/2015-1 dated 18.09.2015 and quash the same and consequently, forbearing the respondents from initiating any coercive action of locking, sealing and demolition with regard to the petitioner's property at No.246 (150), Lingi Chetty Street, Chennai 600 001.

For petitioners : Mr. B. Singaravelu
For R1 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader
For R2 : Mr. K. Raja Srinivas, Standing Counsel
For R3 : Mr. R. Arunmozhi, Standing Counsel

O R D E R

(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. R. Arunmozhi, learned Standing Counsel, accepts notice for the third respondent. 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 (sic. application) preferred by the petitioners challenging the locking, sealing and demolition notice dated 14 July 2015 issued by the second respondent 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 a Division Bench of this Court 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 passed by the first respondent-Government rejecting the petitioners' application 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 first respondent-Government for re-consideration.

5 In view of the aforesaid submission made by the learned Special Government Pleader, the impugned order passed by the first respondent-Government is set aside and the matter is remitted back to the first respondent-Government to re-consider all the issues afresh and pass orders on merits, in the light of the aforestated decision.

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

The writ petition stands 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
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Principal Secretary/Commissioner,
Chennai Corporation, Ripon Building,
Chennai.

+1 CC to MR.B. Singaravelu Advocate. SR.NO.60176
+1 CC to MR.R. Arunmozhi Advocate. SR.NO.60023
+1 CC to MR.K. Raja Srinivas Advocate. SR.NO. 60333
+1 CC to Govt.Pleader. SR.NO. 60292

W.P. No.35302 of 2015

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JD 19/11/2015