

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HALUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.14777 of 2015

Lakshmi Ajoy Kumar

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Secretary
Housing and Urban Development Department
Fort St.George
Chennai 600 009

2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003

3. The Regional Deputy Commissioner (Central)
Corporation of Chennai
2nd Cross Street, Pulla Avenue
Shenoy Nagar
Chennai 600 030

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of first respondent in Letter No.12511/UD-VI(2)/2014-5 dated 29.04.2015 in rejecting petitioner's section 80-A appeal filed under Town and Country Planning Act as against locking and sealing decision of Corporation of Chennai for the building put up at 81/A, AE-135, Shanthi Colony, Anna Nagar, Chennai-40 by quashing the same and consequently direct the respondents to regularise the building put up in the aforementioned property.

For Petitioner :: Mr.R.Mohan

For Respondents:: Mr.T.N.Rajagopalan
Special Government Pleader for R1
Mr.A.Nagarajan for R2 & R3

ORDER

(Order of the Court was delivered by HALUVADI G.RAMESH, J.)

Heard the learned counsel for the petitioner, learned Special Government Pleader for the first respondent and the learned standing counsel for the respondent-Corporation.

2. The petitioner seeks for issuance of a writ of certiorarified mandamus, calling for the records of the first respondent in Letter No.12511/UD-VI(2)/2014-5 dated 29.04.2015, rejecting the petitioner's appeal filed under Section 80-A of the Town and Country Planning Act as against locking and sealing decision of Corporation of Chennai for the building put up at No.81/A, AE-135, Shanthi Colony, Anna Nagar, Chennai-40, quash the same and to consequently direct the respondents to regularise the building put up in the aforementioned property.

3. Since the issue as to the maintainability of the special revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 before locking and sealing the premises has already been decided by this Court in the decision in Lalith Kumar C.Soni v. The Government of Tamil Nadu rep.by its Secretary to Government, Housing and Urban Development Department and others, 2015 (2) CWC 752, granting liberty to the petitioners to re-present the special revision petitions, following the same, the impugned order is set aside with liberty to the petitioner to re-present the special revision petition filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 within a period of two weeks from the date of receipt of a copy of this order and on such re-presentation, it is for the first respondent to dispose of the matter within the statutory period of ninety days. The writ petition is disposed of accordingly. Consequently, M.P.No.1 of 2015 is closed. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
3. The Regional Deputy Commissioner (Central)
Corporation of Chennai
2nd Cross Street, Pulla Avenue
Shenoy Nagar
Chennai 600 030

+lcc to Mr.R. Mohan, Advocate, S.R.No.29870
+lcc to Mr.A. Nagarajan, Advocate, S.R.No.22116
+lcc to the Government Pleader, S.R.No.30211

SR(CO)
EU(20/06/2016)

W.P.No.14777 of 2015

सत्यमेव जयते

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