

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.15209 of 2015

and  
M.P.No.1 of 2015

V.Sathyannarayanan

..Petitioner

Vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary,  
Housing and Urban Development Department,  
Fort St. George, Chennai - 9.

2.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings, Chennai - 3.

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

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in letter No.12512/UD-VI(2)/2014-5 dated 05.05.2015 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/C, AE-137, 4<sup>th</sup> Avenue, 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.P.Ramanathan

For Respondents

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

R2 & R3 : Mr.S.Saravanan

## O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This writ petition is filed praying to issue a writ of Certiorarified Mandamus, calling for the records of the first respondent in letter No.12512/UD-VI(2)/2014-5 dated 05.05.2015 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/C, AE-137, 4<sup>th</sup> Avenue, 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.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader for the first respondent and the learned counsel for the respondents 2 and 3.

3.The appeal preferred by the petitioner under Section 80-A of the Town and Country Planning Act, 1971, (hereinafter called as "Act"), as against the Locking, Sealing and Demolition Notice No.RDC CENTRAL/TP ENF/L&S/72/-2014, dated 30.06.2014 passed by the 3<sup>rd</sup> respondent in respect of premises in Block 81/C, AE-137, 4<sup>th</sup> Avenue, Shanthi Colony, Anna Nagar, Chennai - 40, has been rejected by the 1<sup>st</sup> respondent, pointing out that it is a premature one.

4.The case of the petitioner is that he has the right to seek appropriate remedy and is inclined to re-present the Special Revision Petition under Section 80-A of the Act, however, sought for a suitable direction in this regard.

5. Following the decision laid down by this Court in 2015 (2) CWC 752 [Lalith Kumar C.Soni Vs. The Government of Tamil Nadu and others], we direct the petitioner to go before the 1<sup>st</sup> respondent and re-present the Special Revision Petition and seek appropriate relief, within a period of one month from the date of receipt of a copy of this order. The first respondent shall dispose of the matter within two months thereafter after giving sufficient opportunity to the petitioner. Till then there shall be an order of status quo. It is open to the petitioner to raise all his contentions before the first respondent.

6.The Writ Petition is disposed of with the above direction.  
No costs. Consequently, connected miscellaneous petition is  
closed.

cse

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,  
Housing and Urban Development Department,  
Fort St. George, Chennai - 9.
- 2.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings, Chennai - 3.
- 3.The Regional Deputy Commissioner (Central),  
Corporation of Chennai,  
2<sup>nd</sup> Cross Street, Pulla Avenue,  
Shenoy Nagar,  
Chennai - 600 030.

+ 1 cc to Mr.S.Saravanan, Advocate Sr 31310

+ 1 cc to Mr.R.Mohan, Advocate Sr 31306

KR/24/6/16

सत्यमेव जयते

W.P.No.15209 of 2015  
and

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