

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM

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

Writ Petition No.19828 of 2016  
and WMP.No.17103 of 2016

N.Senthil Kumar

...Petitioner

Vs.

1.Government of Tamil Nadu  
rep. By its Secretary to Government  
Housing & Urban Development Dept  
Fort St.George, Chennai-600 009

2.Corporation of Chennai  
Rep. By its Commissioner  
Rippon Building, Chennai-600 003

3.Corporation of Chennai  
Rep. By its Executive Engineer  
Enforcement Region (Central)  
2<sup>nd</sup> Cross Street, East Pulla Avenue  
Shenoy Nagar, Chennai-30

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to forbear them from anyway interfering with the building premises at No.36/2, New No.83, Sachithanandam Street, Kosapet, chennai-12, particularly by way of Locking and Sealing and or demolition in pursuant to the deoccupation notice dated 06.06.2016 in Letter No.1130/16 and consequential to the Lock and Seal Notice dated 14.08.2015.

For Petitioner : Mr.D.S.Rajasekaran  
for Mr.E.Martin Jayakumar

For respondents : Mr.P.S.Sivashanmugasundaram  
Special Govt.Pleader for R1  
Mr.A.Nagarajan, for R2 and R3.

O R D E R

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

The petitioner is before this Court seeking a direction against the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to forbear them from anyway interfering with the building premises at No.36/2, New No.83, Sachithanandam Street, Kosapet, Chennai-12, particularly by way of Locking and Sealing and or demolition in pursuant to the de-occupation notice dated 06.06.2016, consequential to the Lock and Seal Notice dated 14.08.2015.

2. The petitioner claims to be the owner of the above stated premises. On the allegation of unauthorized construction, the third respondent issued a Locking and Sealing and Demolition Notice dated 14.08.2015 and called for Approved Plan, against which the petitioner preferred appeal under Section 80-A of the Town and Country Planning Act, 1971. The said appeal was rejected by order dated 16.09.2015 as premature. As against the rejection order, the petitioner preferred W.P.No.31268 of 2015 before this court. A Division Bench of this Court, allowed the said Writ Petition and set aside the rejection order. Once again, the petitioner is said to have made re-representation of the said appeal on 20.10.2015. In the mean while, the third respondent has issued De-occupation notice dated 06.06.2016. Aggrieved by the same, the petitioner is before this court.

3. The grievance of the petitioner is that despite his re-representation of the appeal u/s.80-A of the Act and the same pending consideration before the first respondent, steps are taken by respondents 2 and 3 to de-occupy the premises owned by him.

4. We have heard the learned counsel for the petitioner, the learned Special Government Pleader for the 1<sup>st</sup> respondent and the Standing Counsel for respondents 2 and 3 and perused the materials placed before this Court.

5. In the facts and circumstances of the case, we are of the view that it is for the 1<sup>st</sup> respondent to consider the appeal re-presented by the petitioner and pass orders in accordance with law as per the directions made by this Court in W.P.31268 of 2015. In the mean while, there will be an order of status quo. The first respondent shall dispose of the petitioner's appeal filed under Section 80-A of the Town and Country Planning Act within two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Secretary to Government  
Housing & Urban Development Dept  
Fort St.George, Chennai-600 009

2.Corporation of Chennai  
Rep. By its Commissioner, Rippon Building,  
Chennai-600 003

3.Corporation of Chennai  
Rep. By its Executive Engineer  
Enforcement Region (Central)  
2<sup>nd</sup> Cross Street, East Pulla Avenue  
Shenoy Nagar, Chennai-30.

1 cc to M/s.Martin Jayakumar, Advocate, sr.31658

1 cc to M/s.A.Nagarajan, Advocate, sr.31664

W.P.No.19828 of 2016

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kra 27.06.2016

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