

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.8.2016

CORAM

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

W.P.No.27039 of 2016
and
W.M.P.No.23219 of 2016

1 Mr.M.A.Ahamed Uduman
2 Mr.M.A.Mohammed Gayazuddin
3 Mr.S.Guganathan
4 Mrs.J.Rifaya Parveen
5 Mr.M.Velu Petitioners

Versus

1 Government of Tamilnadu
Rep by its Secretary
Housing and Urban Development Department
Secretariat Fort St. George
Chennai-600 009
2 The Commissioner
Corporation of Chennai
Ripon Building E.V.R.Salai
Chennai-600 003
3 The Executive Engineer
(Enforcement - Regional Central)
Corporation of Chennai
Regional Office-Central
II Cross Street (East)
Pulla Avenue Shenoy Nagar
Chennai-600 030

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent in their letter No.6564/UD-V(I)/2016-1 dated 11.07.2016 relating to rejection of petitioners' application under section 80(A) against the decision of Locking and Sealing and Demolition by the 2nd and 3rd respondents relating to the building at Jeyam Apartments I & II Floors, Old No.15/16 New

No.29/1 & 30/1, V.M.Street, Royapettah Chennai-600 014 and quash the same and consequently forbearing the 2nd and 3rd respondents from in anyway interfering with the aforesaid building particularly by way of Locking Sealing and Demolition of the same.

For petitioner : Mr.D.S.Rajasekaran for
Mr.K.Moorthy

For R1 : Mrs.A.Srijayanthi,
Special Govt. Pleader

For RR2 and 3 : Mr.R.Arunmozhi

ORDER

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

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent in their letter No.6564/UD-V(I)/2016-1 dated 11.07.2016 relating to rejection of petitioners' application under section 80(A) against the decision of Locking and Sealing and Demolition by the 2nd and 3rd respondents relating to the building at Jeyam Apartments I & II Floors, Old No.15/16 New No.29/1 & 30/1, V.M.Street, Royapettah Chennai-600 014 and quash the same and consequently forbearing the 2nd and 3rd respondents from in anyway interfering with the aforesaid building particularly by way of Locking Sealing and Demolition of the same.

3. The case of the petitioners is that they are the co-owners of the building viz., Jeyam Apartments, I & II Floors, Old No.15/16, New No.29/1 & 30/1, V.M. Street, Royapettah, Chennai 600 014, having purchased the same from one E.Jayanthi after proper verification that the builder cum developer had obtained sanction for construction of stilt plus two floors from respondents 2 and 3, but, thereafter, the builder had proceeded to put up the additional floor viz., third floor and therefore, the petitioners were constrained to approach respondents 2 and 3 for preventing such act, but, the authorities have issued the impugned lock and seal notice against the petitioners and challenging the same, the petitioners had already filed statutory appeals under section 80(A) of the Tamil Nadu Town and Country Planning Act and since no order is passed on the appeals, the present writ petition has been filed.

4. The grievance of the petitioners is that in furtherance of the representation given by them, they have not been given any opportunity of hearing. In view of the same, the order passed by the first respondent is set aside with liberty to the petitioners to submit a further representation within a period

of one month from today and the respondents shall re-consider the issue and after hearing the petitioners pass necessary orders on merits and in accordance with law. Till then, status quo shall be maintained by the parties. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Secretary
Government of Tamilnadu
Housing and Urban Development Department
Secretariat Fort St. George
Chennai-600 009
 - 2 The Commissioner
Corporation of Chennai
Ripon Building E.V.R.Salai
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 - 3 The Executive Engineer
(Enforcement - Regional Central)
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II Cross Street (East)
Pulla Avenue Shenoy Nagar
Chennai-600 030
- +1 cc to Mr.R.Arunmozhi Advocate sr 49332
+3 ccs to Mr.K.Moorthy Advocate vide sr 49345
+2 ccs to Government Pleader vide sr 48266, 49819

aa26/09/2016

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