

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.30556 of 2016  
and

WMP.No.26498 of 2016

M.Vijayarani

...Petitioner

Vs.

1.Chennai Metropolitan Development Authority,  
represented by its Member Secretary,  
3, Gandhi Irwin Road,  
Egmore, Chennai.

2.Corporation of Chennai,  
represented by its Commissioner,  
Ripon Building,  
Chennai -3.

3.The Executive Engineer,  
(Enforcement - Regional Central)  
2nd Cross Street (East)  
Pulla Avenue, Shenoy Nagar,  
Chennai - 600 030.

4.The Assistant Executive Engineer,  
Unit 25  
2nd Cross Street (East)  
Pulla Avenue, Shenoy Nagar,  
Chennai - 600 030.

5.The Assistant Engineer,  
Division 123,  
2nd Cross Street (East)  
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 to call for the records bearing reference No. REGION

CENTRAL/TPENF/1918/2016 dated 02.08.2016 on the file of respondents 3 to 5 and to quash the same as illegal and further direct the respondents not to disturb the peaceful possession of the petitioner at Plot no.4A, Old Door No.110, New Door No.38, Abiramapuram Fourth Street, Chennai-600 018 comprised in O.S.213, 214 and 215, R.S.No.3653, 3654 and 3655 being patta C.A.No.412/2012 as per Patta R.S.No.3655/10, Block No.72, Mylapore Village, Mylapore Triplicane Taluk.

For Petitioner : Mr.V.Raghavachari

For R1 : Mr.K.Raja Shrinivas

For R2 to R5 : Mr.V.C.Selvasekaran

ORDER

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

Mr.K.Raja Shrinivas, learned standing counsel, accepts notice for the first respondent. Mr.V.C.Selvasekaran, learned standing counsel, accepts notice for respondents 2 to 5. With the consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come forward with this writ petition to quash the Locking & Sealing and Demolition Notice dated 02.08.2016 and consequently direct the respondents not to disturb the peaceful possession of the petitioner at Plot no.4A, Old Door No.110, New Door No.38, Abiramapuram Fourth Street, Chennai-600 018 comprised in O.S.213, 214 and 215, R.S.Nos.3653, 3654 and 3655 bearing patta C.A.No.412/2012 as per Patta R.S.No.3655 /10, Block No.72, Mylapore Village, Mylapore-Triplicane Taluk.

3. The case of the petitioner is that she has purchased the subject property on 04.08.2004 from one R.Vaidhyanathan by a registered sale deed bearing Document No.1659 of 2014 on the file of the Sub Registrar, Mylapore. The construction was raised over the property by her predecessor-in-title only after obtaining permission in P.No.1742/77 dated 17.09.1977. Thereafter, the property was assessed to tax and she has been paying the tax regularly. Be that as it may, she was served with a notice dated 15.06.2016, calling upon her to produce a copy of the approved plan. Accordingly, she submitted her explanation along with necessary documents on 07.07.2016. Subsequently, she received a reply dated 02.08.2016 from the fourth respondent stating that the reasons submitted by her were not satisfactory. On the same day itself, the impugned locking & sealing and demolition notice came to be issued to the petitioner. Aggrieved over the same, the petitioner is before this Court.

4. Learned counsel for the petitioner submitted that the petitioner has already filed an appeal dated 16.08.2016 under Section 80-A of the Tamil Nadu Town and Country Planning Act before the Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai-9 and she would be satisfied, if a direction is issued to dispose of the said appeal.

5. In view of the submission so made by the learned counsel for the petitioner, without advertting to the merits of the case, in order to avoid multiplicity of litigations, this Court directs the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai - 9 to consider the Section 80A appeal dated 16.08.2016 preferred by the petitioner, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order. Till such time, the officials are directed not to take any coercive steps.

6. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. Member Secretary, Chennai Metropolitan Development Authority,  
3, Gandhi Irwin Road, Egmore, Chennai.
2. Commissioner, Corporation of Chennai,  
Ripon Building, Chennai -3.
- 3.The Executive Engineer, (Enforcement - Regional Central)  
2nd Cross Street (East)  
Pulla Avenue, Shenoy Nagar, Chennai - 600 030.
- 4.The Assistant Executive Engineer,  
Unit 25, 2nd Cross Street (East)  
Pulla Avenue, Shenoy Nagar, Chennai - 600 030.

5.The Assistant Engineer,  
Division 123, 2nd Cross Street (East)  
Pulla Avenue, Shenoy Nagar,  
Chennai - 600 030.

6.The Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George, Chennai - 600 009.

+1cc to Mr.K.Rajashirinivas, Advocate Sr.51062  
+1cc to Mr.V.Raghavachari, Advocate Sr.51003

W.P.No.30556 of 2016

rsk[col]  
srg 05/10/2016



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