

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 2.9.2016

CORAM

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

W.P.No.30851 of 2016
and
W.M.P.No.26707 of 2016

A.Nilavu Kannu

Petitioner

Versus

- 1 The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George Chennai-600 009.
 - 2 Executive Engineer
TP (Enforcement) (South)
O/o.Regional Deputy Commission
(South) (Enforcement)
Adyar Chennai-600 020.
 - 3 The Assistant Executive Engineer
Unit 40(A)
Corporation of Chennai
Velachery Main Road
Opposite to Dhandeeswaran Temple
Velachery Chennai-42.
 - 4 The Assistant Engineer
Division No.177
Corporation of Chennai
West Velachery Chennai-42.
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 2 to 4 herein from initiating action against the petitioner's building as per their Notice issued in No.671/2016 dated 08.07.2016 till the disposal of the Special

Revision Petition filed by the petitioner dated 30.08.2016 before the Secretary to Government, Housing and Urban Development Department, Government of Tamil Nadu, Fort St. George, Chennai-600 009, the first respondent herein.

For petitioner : Mr.T.Sellapandian

For R1 : Mr.V.Selvaraj, AGP

For R2 to R4 : Mr.A.Nagarajan

ORDER

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

Heard the learned counsel appearing for the petitioner, Mr.Ve.Selvaraj, learned Additional Government Pleader and Mr.A.Nagarajan, learned counsel for respondents 2 to 4, who accept notice on behalf of their respective parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus forbearing the respondents 2 to 4 herein from initiating action against the petitioner's building as per their Notice issued in No.671/2016 dated 08.07.2016 till the disposal of the Special Revision Petition filed by the petitioner dated 30.08.2016 before the Secretary to Government, Housing and Urban Development Department, Government of Tamil Nadu, Fort St. George, Chennai-600 009, the first respondent herein.

3. The case of the petitioner is that her husband had purchased a flat in Gothai Apartments in the Ground floor with an extent of 740 sqft with an extent of 533 sqft of land as undivided share from the promoter in the year 2004 and from then onwards, they were living their peacefully by paying all the charges like property tax and water charges regularly, but, at the instance of a neighbour, the respondents had issued a notice directing her husband to produce the approved plan and subsequently, even after producing the plan, they had issued the impugned lock and seal notice alleging that there is some deviation. In the course of such proceedings, the petitioner's husband died and therefore, now, the petitioner is facing the proceedings by filing a revision against the notice issued by the respondents and despite that she is under the threat of lock and seal of the premises by the authorities, it is alleged by the petitioner. Hence, the present writ petition has been filed.

4. As against the notice issued by the respondents, the writ petitioner has got a remedy of revision and it seems that she had already filed the revision under section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent. Therefore, the first respondent shall dispose of the revision filed by the petitioner, on merits and in

accordance with law, within a period of two months from the date of receipt of copy of this order, after hearing the writ petitioner. 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.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ssk.

To:

- 1 The Secretary to Government
Housing and Urban Development Department
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+1 CC to Mr. P. Anbarasan, Advocate Sr.No.49862
+1 CC to Mr. A. Nagarajan, Advocate Sr.No.50116
+1 CC to the Gov Pleader, Sr.No.50504

W.P.No.30851 of 2016

ALA (CO)
MD : 06/10/2016