

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.31243 of 2016
and
WMP.Nos.27116 and 27117 of 2016

K.M.Ganesh

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai.

2.The Executive Engineer,
Zone X, Greater Corporation of Chennai,
No.117, N.S.K.Salai, Kodambakkam,
Chennai- 600 024.

3.The Assistant Executive Engineer,
Union 29,
Greater Corporation of Chennai,
No.117, N.S.K. Salai,
Kodambakkam,
Chennai - 600 024.

4.Junior Engineer,
Division 128,
Greater Corporation of Chennai,
No.117, N.S.K. Salai,
Kodambakkam,
Chennai- 600 024.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to impugned Locking and sealing and demolition notice dated 01.08.2016 and consequential notice bearing No. ZONE-X/TPENF/00015/2016 dated 01.09.2016 on the file of the second respondent and quash the same.

For Petitioner : Mr.N.R.Chandran, SC
for M/s.U.Karunakaran

For Respondents : Mr.A.Nagarajan

ORDER

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

With the consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. Challenging the Locking & Sealing and Demolition Notice dated 01.08.2016 and the consequential de-occupation notice dated 01.09.2016, the petitioner has come forward with this writ petition.

3. According to the case of the petitioner, his mother Indira Kumarappan had purchased a property situated in Plot Nos.9 and 9A, 10 and 10A, comprised in S.Nos.206/2, 206/3 and 207/1, T.S.No.77 at Virugambakkam Village, Guindy-Mambalam Taluk vide sale deeds dated 11.05.1987, 31.05.1987, 03.06.1987 and 31.03.1987. After obtaining necessary building permission, she had constructed the ground and first floors in the year 1997 and second floor in the year 2007 itself and had paid the property tax regularly till 2011. After her death on 07.07.2011, in view of the release deed executed by her legal heirs, the petitioner has become the absolute owner of the property in question. In the year 2015, he has erected a shuttle cock play ground in the second floor and made a temporary structure with metal sheet. On noticing the same, the neighbouring owner has lodged a complaint before the Corporation authorities. Pursuant to the same, the respondents initiated proceedings under the provisions of the Tamil Nadu Town and Country Planning Act by issuing locking & sealing and demolition notice and consequential de-occupation notice to the petitioner. Aggrieved over the same, the petitioner is before this Court.

4. Learned senior counsel for the petitioner submitted that the petitioner has already filed an appeal 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 he would be satisfied, if a direction is issued to dispose of the said appeal.

5. Mr.A.Nagarajan, learned counsel, who took notice for the respondents, submitted that three months time may be granted to dispose of the appeal filed by the petitioner.

6. In view of the submissions made on either side, without advertng 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 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.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai.
- 3.The Executive Engineer,
Zone X,
Greater Corporation of Chennai,
No.117, N.S.K.Salai, Kodambakkam,
Chennai- 600 024.

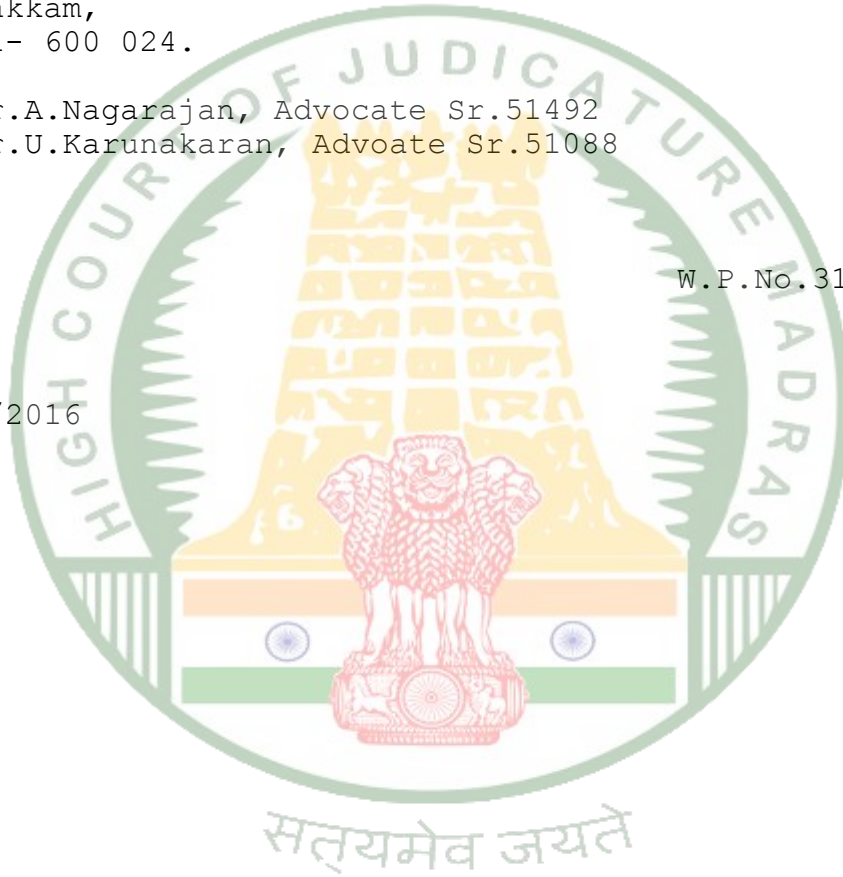
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Division 128,
Greater Corporation of Chennai,
No.117, N.S.K. Salai,
Kodambakkam,
Chennai- 600 024.

+1cc to Mr.A.Nagarajan, Advocate Sr.51492
+1cc to Mr.U.Karunakaran, Advoate Sr.51088

W.P.No.31243 of 2016

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