

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.36383 of 2016

and

W.M.P.No.31328 of 2016

Govindaraj

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. By The Secretary,
Housing and Urban Development,
Fort St. George, Madras-9.
2. The Commissioner,
Corporation of Chennai,
Madras-3.
3. The Executive Engineer,
Zone 15, Zonal Office XV,
Greater Chennai Corporation,
Chennai.
4. The Assistant Executive Engineer,
Unit 44, Zonal Office XV,
Greater Chennai Corporation,
Chennai.
5. The Assistant Engineer,
Division 192, Zonal Office XV,
Greater Chennai Corporation,
Chennai.
6. Chennai Metropolitan Development
Authority, through its Member
Secretary, Thalamuthu Natarajan
Building, Egmore, Chennai-8.
(R-6 impleaded as per order of Court
dated today in WP)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to dispose of the appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, dated 14.10.2016 as against the locking and sealing notice issued by respondents 3 to 5 in U-44/192-7/2016 dated 20.09.2016.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.T.N.Rajagopalan,
Special Government Pleader For R-1

: Mr.V.C.Selvasekaran for RR 2 to 5

: Mr.N.Sampath for impleaded R-6

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioner.

2.It is pointed out that quite apparently from the lock and seal notice at page 38, there are deviations, albeit labelled as minor by the petitioner. It is the case of the petitioner that they are compoundable.

3.The petitioner has already preferred an appeal to the first respondent along with a stay application.

4.On request of respondents, we also implead the Chennai Metropolitan Development Authority, through by its Member Secretary, Thalamuthu Natarajan Building, Egmore, Chennai-8, as the sixth respondent. Memo of parties be amended accordingly.

5.We are of the view that the writ jurisdiction under Article 226 of the Constitution of India cannot be used as a protection for violations, minor or major, in a situation faced by us where there is rampant violation of sanction plans. If the case of the petitioner falls in a category where it is capable of being compounded, naturally the petitioner would get benefit of the same. The appeal having been preferred along with a stay application, it is for the first respondent to examine the case including in respect of the issue of interim stay. That aspect may be attended to urgently so as to not make the stay application infructuous.

6.Writ petition, accordingly, stands disposed of. No costs.
Consequently, W.M.P.No.31328 of 2016 stands closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Fort St. George, Madras-9.
2. The Commissioner,
Corporation of Chennai,
Madras-3.
3. The Executive Engineer,
Zone 15, Zonal Office XV,
Greater Chennai Corporation,
Chennai.
4. The Assistant Executive Engineer,
Unit 44, Zonal Office XV,
Greater Chennai Corporation,
Chennai.
5. The Assistant Engineer,
Division 192, Zonal Office XV,
Greater Chennai Corporation,
Chennai.
6. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai-8.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.58634
+1cc to the Government Pleader, S.R.No.58857

W.P.No.36383 of 2016

TRM(CO)
CA(19/10/2016)