

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.623 of 2016

Mohamed Ilyas
represented by Power of Attorney Agent
K.A. Mohamed Hussain

Petitioner

vs.

The Deputy Commissioner
Corporation of Chennai
(South) Adyar
Chennai 600 020

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass orders on the petitioner's representation dated 18.11.2015 pertaining to the temporary order of lift the lock and seal to clear the household articles in the property at Flat Nos.A-1, A-2, A-5, B-1 and B-4 situated at Door No.27, Star Light Residency, Majestic Colony Main Road, Majestic Colony, Valasaravakkam, Chennai 600 087.

For petitioner Mr. S. Gunaseelan

For respondent Mr. V.C. Selvasekaran, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for the respondent. With the consent of the learned counsel for the petitioner and the learned Standing Counsel for the respondent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondent to pass orders on the petitioner's representation dated 18 November 2015 pertaining to temporary order of lifting the lock and seal to clear the household

articles in the property at Flat Nos.A-1, A-2, A-5, B-1 and B-4 situated at Door No.27, Star Light Residency, Majestic Colony Main Road, Majestic Colony, Valasaravakkam, Chennai 600 087.

3 The petitioner's case is that he purchased a vacant house site, wherein, he constructed a building by obtaining planning permission from Corporation of Chennai in 2009. With an intent to construct a small room in the open terrace, he submitted an application before the Chennai Metropolitan Development Authority, which is under consideration. While so, the respondent has sent a locking and sealing notice dated 08 August 2015 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. Subsequently, the petitioner applied for revised plan on 08 October 2015 and before passing the revised plan, the respondent sealed the building on 06 November 2015. Hence, the petitioner addressed a representation to the respondent on 18 November 2015, seeking lifting the lock and seal. Since there has been no response from the respondent, the instant writ petition, seeking the aforestated relief.

4 Given the nature of relief sought by the petitioner, without going into the merits of the case, we direct the respondent to consider and pass orders on the petitioner's representation dated 18 November 2015 on its own merits and in accordance with law.

The writ petition stands disposed of accordingly sans costs.

cad

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

The Deputy Commissioner
Corporation of Chennai
(South) Adyar
Chennai 600 020

+ 1 cc to Mr.S.Gunaseelan, Advocate SR 1315

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