

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.9713 to 9718 of 2016 and W.M.P. Nos.8692 to 8703 of 2016

E. Mohan Petitioner in W.P. No.9713 of 2016
Karthi @ Kartheesan Petitioner in W.P. No.9714 of 2016
M. Gulzar Basha @ Shameel Petitioner in W.P. No.9715 of 2016
S. Bhawarlal Petitioner in W.P. No.9716 of 2016
N. Gandhimathi Petitioner in W.P. No.9717 of 2016
S. Edison Petitioner in W.P. No.9718 of 2016

Vs.

- 1 The Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
 - 2 The Commissioner
Chennai Corporation
Ripon Building
Chennai 600 003
 - 3 The Executive Engineer
Regional Joint Commissioner (South)
(Enforcement Cell)
Adyar
Chennai 600 020
- Respondents in all W.Ps.

Prayer in W.P. No.9713 of 2015:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the third respondent in Notice No.5634/2015 dated 06.01.2016 as illegal and quash the same and forbearing the third respondent from intervening with the peaceful possession by way of lock and seal and demolition to the premises bearing Shop

No.B13, B8, 5, B11, B12, B5 respectively Guru Complex, Thiruvalluvar Nagar, Thiruvannamiyur, Chennai 600 041.

For petitioner
in all the WPs Mr. G. Ranganathan

For R1 Mr. P.S. Sivashanmugasundaram
in all the WPs Special Government Pleader

For RR 2 & 3 Mr. V.C. Selvasekaran, Standing Counsel

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for respondents 2 and 3. Thus, with consent, the writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed, calling in question, the justifiability of the locking, sealing and demolition notices dated 06 January 2016 issued by the Chennai Corporation under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act").

3 However, on a perusal of the documents placed before us, it is noticed that the petitioners have preferred applications under Section 80-A of the Act before the first respondent-Government, questioning the justifiability of the very same locking, sealing and demolition notices impugned in these writ petitions.

4 In such view of the matter, these writ petitions are not maintainable. However, the first respondent is directed to consider the petitioners' applications preferred under Section 80-A of the Act within the statutory period prescribed under the provisions of law, on their own merits and in accordance with law, in the light of the order dated 29th September 2015 passed by a Division Bench in Lalithkumar C. Soni Vs. Government of Tamil Nadu and others¹ and also the interim applications within a period of two weeks, to avoid further complications. It is made clear that for a period of two weeks from today, i.e., 17 March 2016, status quo as obtained today, in respect of the properties in question, shall be maintained by both the parties and the petitioners are restrained from making any further construction in the properties in question.

1 2015 (6) CTC 107 : (2015) 7 MLJ 394 : 2015 (2) CWC 752

The writ petitions stand disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

To

- 1 The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai 600 009
- 2 The Commissioner
Chennai Corporation
Ripon Building
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- 3 The Executive Engineer
Regional Joint Commissioner (South)
(Enforcement Cell)
Adyar
Chennai 600 020

+6 ccs to Mr.G.Ranganathan Advocate sr.nos.17098 17099
17080,17081 17082, 17083
+1 cc to Government Pleader sr.17387/16

सत्यमेव जयते

Common order in
W.P. Nos.9713 to 9718 of 2016

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