

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4965 of 2017

J.Augustine

... Petitioner

Vs.

- 1.The Commissioner and
Secretary to Government
Housing and Urban Development
Fort St. George, Chennai - 600 009.
- 2.The Member Secretary
Chennai Metropolitan Development Authority
Thaalamuthu Natarajan Maaligai, Egmore
Chennai - 600 008.
- 3.The Assistant Commissioner
Corporation of Chennai
Greater Chennai
Division 161, Zone XII
Alandur, Chennai - 600 016.
- 4.The Executive Engineer,
Greater Chennai Corporation
Zone Office XII
Alandur, Chennai - 600 016.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 2 and 3 to consider the representation dated 25.01.2017 submitted by the petitioner against the locking and sealing notice issued under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act 1971 (as amended by act 61 of 2008) bearing No.01/2017

dated 19.01.2017 issued by the 4th respondent/ Executive Engineer, Zone XII, Alandur, Chennai - 600 016.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.K.Raja Srinivas
for 2nd respondent

Mr.V.C.Selvasekaran
for respondents 3 and 4

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent. Mr.K.Raja Srinivas, learned counsel takes notice for the second respondent and Mr.V.C.Selvasekaran, learned counsel takes notice for respondents 3 and 4.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondents 2 and 3 to consider the representation dated 25.01.2017 submitted by the petitioner against the locking and sealing notice issued under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act 1971 (as amended by act 61 of 2008) bearing No.01/2017 dated 19.01.2017 issued by the 4th respondent/ Executive Engineer, Zone XII, Alandur, Chennai - 600 016.

4. It is the case of the petitioner that he is the owner of the property and made construction after obtaining planning permission from the competent authority. It is alleged that one Chittibabu attempted to grab the land earmarked for park and the same ended in filing of FIR against Chittibabu by the petitioner. It is stated that to wreak vengeance the said individual has filed a writ petition against the petitioner alleging that the petitioner has put up unauthorized construction and this Court, by order dated 19.10.2016 passed in W.P.No.6605 of 2014, directed the respondent/authorities to cause an inspection of the site and take action in accordance with law. Pursuant to the same, it is stated that the

respondent/authorities issued lock and seal notice on 19.1.2017. The petitioner submitted his reply on 25.1.2017 and also submitted an application seeking regularization on 22.2.2017. As the reply of the petitioner was not considered till date, the present writ petition is filed.

5. Considering the facts and circumstances of the case, we direct the respondent/authorities to consider the reply of the petitioner dated 25.1.2017 in accordance with law and pass appropriate orders within three months from the date of receipt of a copy of this order, of course after affording an opportunity of hearing to the petitioner. Till the said exercise is concluded, the respondent/authorities shall not take any coercive steps against the petitioner.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5194 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

- 1.The Commissioner and
Secretary to Government
Housing and Urban Development
Fort St. George, Chennai - 600 009.
- 2.The Member Secretary
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- 4.The Executive Officer
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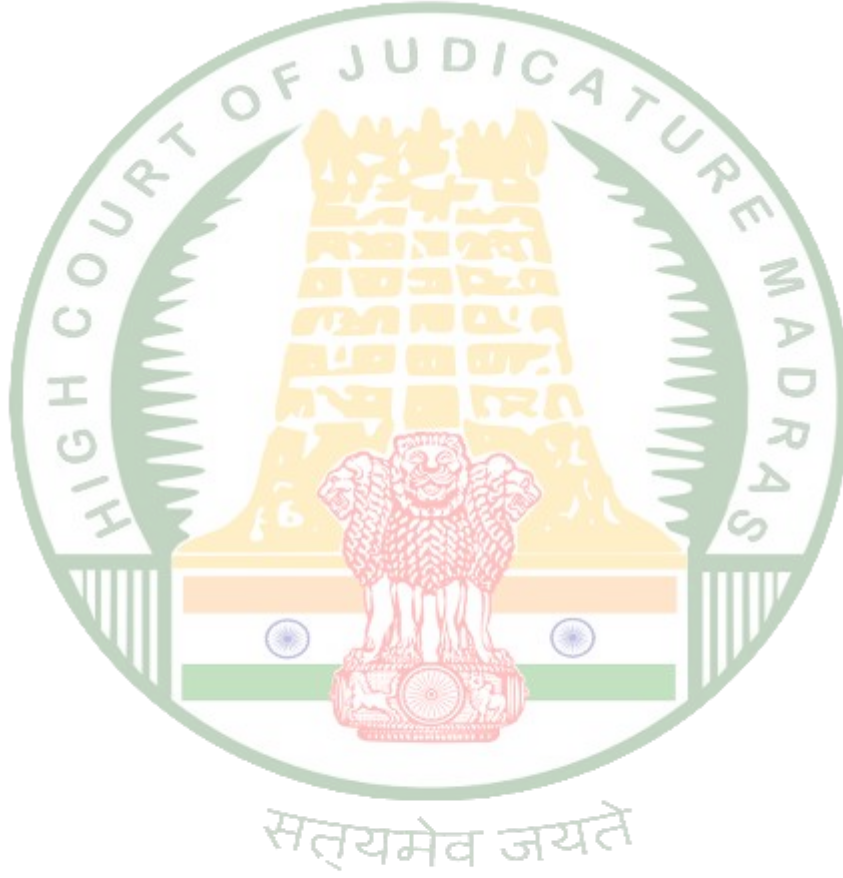
+1cc to M/S. M. Gnanasekar, Advocate Sr. 14400

+1cc to Government Pleader, High Court, Madras Sr. 12984

+1cc to M/S.K. Rajasrinivas, Advocate Sr. 12963

W.P.No.4965 of 2017

NRI (CO)
VR(13/03/2017)



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