

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9.5.2018

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.12168 of 2018
and
W.M.P.No.14194 of 2018

T.S.Rajagopal

Petitioner

Vs

- 1 The Government of Tamil Nadu
rep by its Principal Secretary
Town and Country Planning
Urban Development and
Housing Department Secretariat
Chennai-600 009
- 2 Chennai Metropolitan Development Authority
rep by its Member Secretary
Thalamuthu Buildings Chennai-600 008
- 3 The Zonal Officer
Corporation of Chennai
Zone IX Lake View Road
Chennai-600 034
- 4 The Executive Engineer
Corporation of Chennai
Zone IX Division-120
No.1 Lake View Area
4th cross Street Nungambakkam
Chennai-600 034
- 5 The Assistant Executive Engineer
Corporation of Chennai
Zone IX Division-120
No.1 Lake View Area
4th cross Street Nungambakkam
Chennai-600 034

6 The Assistant Engineer
Corporation of Chennai
Zone IX Division-120
No.1 Lake View Area 4th cross Street
Nungambakkam Chennai-600 034

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the entire records relating to the impugned notice dated 04.05.2018 bearing No.Zone- IX/102/2018 on the files of respondents 4 to 6 and to quash the same.

For petitioner : Mr.A.Chidambaram

For R1 : Mr.R.Udayakumar

For R2 : Mr.Raja Srinivas

For R3 to R6 : Mr.A.Nagarajan

ORDER

(Order of the court was made by V.PARTHIBAN, J.)

The writ petition has been filed by the owner of the subject property, challenging the impugned notice for de-occupation and lock and seal of the premises, issued under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 with regard to certain deviations in the construction.

2. Considering the efficacious remedy available under the Act, the petitioner is permitted to file an appeal under Section 80(A) of the Tamil Nadu Town and Country Planning Act, within a period of two weeks from the date of receipt of a copy of this order. On filing of such appeal, the authority concerned is directed to dispose of the same within a period of six weeks thereafter. In the meanwhile, as an interim measure, there shall be an order of status quo. It is also made clear that the petitioner shall not make any encumbrance or create any third party right over the property in question till then. With the above observation, the writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Principal Secretary
Town and Country Planning
Urban Development and
Housing Department Secretariat
Chennai-600 009
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Zone IX Division-120
No.1 Lake View Area 4th cross Street
Nungambakkam Chennai-600 034

+1cc to the Government Pleader, S.R.No.33357
+1cc to Mr.N.NAGARAJAN, Advocate, S.R.No. 33338
+1cc to Mr.A.CHIDAMBARAM, Advocate, S.R.No.33225

W.P.No.12168 of 2018

AD(CO)
TR(14/05/2018)